

The University of Chicago

Phases of Corruption in Roman Administration in the last Half-Century of the Roman Republic

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE GRADUATE SCHOOL OF ARTS AND LITERATURE
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

DEPARTMENT OF LATIN

BY

RICHARD ORLANDO JOLLIFFE

The Collesate Press
GEORGE BANTA PUBLISHING COMPANY
MENASHA, WISCONSIN
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PREFACE

The century which witnessed the downfall of the Roman Republic and the establishment of the Empire has always compelled the close study of historians and the admiring attention of the world at large. When profound intellects have labored over the problems of so momentous an epoch it would be presumption to undertake any portion of its study afresh in the hope of making large discoveries or materially altering the general judgment of scholars. But it is still a profitable task to read the sources and gather together in detailed form and weigh anew the evidence on which the general statements of the histories are based. The purpose of this monograph is to illustrate one of the outstanding characteristics of Roman foreign administration. If opportunity offers I hope to deal in a subsequent paper with the same defect as it exhibited itself in the domestic politics and judicial administration of the Republic.

The study was undertaken on the suggestion of Professor Gordon J. Laing. I should be ungrateful did I not record my obligation to him for the advice and assistance which he has given unstintedly and which I appreciate only less highly than I esteem his friendship.

For various reasons publication has been delayed for three years. My chapter on graft in the navy was completed before the appearance of Mr. Cowles' interesting study on Gaius Verres. It is a pleasure to find that we are in substantial agreement in our views of Verres' naval administration. But I could not well omit my own presentation of the facts without materially altering the plan of the work; I have accordingly left it unchanged. In the chapter on Client Princes I am under especial obligations to Mr. Sands' admirable essay for the picture of the conditions which placed these petty rulers in a position of complete subservience to Rome.

In citations the Oxford Classical Texts have been used wherever they were available.

Winnipeg, August 1919.



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INTRODUCTION

The purpose of this study is to investigate certain phases of the corruption that marked Roman administration in the last half century of the republic. This period has been chosen for several reasons. In it the processes of government exhibit themselves not merely fully developed but already hastening to inevitable revolution. The action covers a wide stage; there is abundant room for the display of all the varied forms of misgovernment of which corruption is at once the motive and the result. Political jobbery does not court publicity. It hides its operations, but its results cannot be concealed, and from these results the line can be traced back to their causes. This period, moreover, is illuminated by a larger body of direct contemporary evidence than we possess for any other period of antiquity, the evidence of a man who played a large part in politics himself, and who recorded all that he saw and heard and felt with unexampled frankness and sincerity. The best proof of the trustworthiness of this evidence is the fact that Cicero makes no attempt to conceal his own weaknesses and inconsistencies, but lays bare in the confidence of friendship all the motives, impulses and varying moods of his heart. Another author, more astute if less candid, might have left us a more consistent record and have avoided the virulent attacks which a singular obtuseness to the inherent nobleness and clarity of his character has brought upon Cicero; but we should have missed all the throbbing life that pulsates through the *Letters*, all that vivid delineation of men and events that makes us all but eyewitnesses of the great political drama that unfolded itself in this momentous epoch.

In using this evidence of the *Letters* one has to make some allowances, which, fortunately, are easily made. Like Thucydides Cicero records the facts, but we are not always bound to accept his interpretation of them. Cicero was a partisan with strong partisan convictions. He was moreover a good friend, and, according to the standards of his time, a good enemy; he loved ardently and he hated no less sincerely. But one can deduct something from his interpretations of men and of movements for political bias, for concessions to

the claims of friendship, for the rancours that devastated his soul, and yet see clearly the march of events. The orations on the other hand are not so reliable.¹ There, in addition to these other disabilities, one has to take into account the professional tone of the speeches. It was his duty as counsel to make out a good case for his client or damage an opponent, and no one could charge Cicero with neglect of duty in this regard. Yet even in the speeches he commonly supplies the evidence by which we may test the facts.

I have purposely excluded almost entirely reference to abnormal situations and have confined the study to the normal course of administration. Caesar's dealings with the princes and states that had taken the side of Pompey in the civil war could not be taken as exhibiting the usual process of dealing with the provinces. He extorted vast sums and levied great forces, but these acts cannot be treated as forms of private peculation or oppression. His operations were on so grand a scale and his motives so different from those of other men guilty of similar conduct that they can scarcely be judged by the same standard. To a great extent the same can be said of Antony's sale of favors and exemptions after the death of Caesar. He was in a state of war; he had to provide funds and he took the readiest means of doing so. For similar reasons little reference is made to Pompey's settlement of the East. He had been given extraordinary powers, and he often used them, we may be sure, for his own advantage. But we have only the more or less general charges made in the later records; detailed contemporary evidence is lacking.

All the histories abound in general statements about the venality and corruption of Roman rule. But the evidence for the details is fragmentary, save in a few marked instances, and has to be pieced together with great care. I have endeavored to illustrate the methods of corruption by a close study of the situation in each case. A further difficulty lies in the fact that in reading the sources with the idea of collecting evidence for this particular phase of government there is a tendency to become unduly suspicious of corruption where, possibly, none existed. It is easy to find general statements in the ancient authorities too. Cicero abounds in them. He is fond of generalization and one has often to mistrust his plurals, as, for example, in his descriptions of Clodius' tribunate.² Yet there are

¹ As indeed Cicero himself warns us: *pro Cluent.* 139; *de off.* 2.14.51.

² *P.* 72.

sufficient data in particular cases to establish the substantial truth of these general statements.

Cicero in true conservative fashion is always comparing his own degenerate and decadent times with the Golden Age of Rome's glory and virtue. That there was some contrast is patent to all, but there was not the marked contrast on which Cicero so lingeringly and lovingly dwells. Distance lent enchantment to his view. In the earlier epoch the range of corruption was narrower; consequently there were fewer grafters in the public service and their takings were smaller. But there is quite sufficient evidence to show that from the very beginning of extra-Italian expansion the ulcer of corruption was eating into the integrity of administration. The high patriotism that marked Roman public men in the days when she was struggling to achieve the mastery of the world was in strange contrast with the petty, mean and covetous conduct of their successors whose whole aim was to make gain out of the provinces that the noble efforts of their worthier forbears had won. But it took some generations of disintegration before the whole body-politic was tainted with the false conception that mastery of the world gave the right to plunder, that the provinces were at once the *praedia* and the *praeda*³ of the Roman people. The idea of power without responsibility, of profit without service, which was dominant in the foreign administration, came at last to pervade the whole life of the people and there was a complete breakdown of political morality. The most remarkable thing about the situation is not the prevalence of corruption but the easy toleration of it. It was little wonder that men should come to think that they were fools not to take all they could get their hands on, short of judicial condemnation, or that all should join in the world-old chorus of corruption, *ne gratiis rei publicae serviamus*:⁴ 'let us not serve our country for nought!'

³ P. 1, n. 2.

⁴ Cic. pro Cluent. 71.

as opportunities for the gratification of ambition or the indulgence of personal animosity rather than for the righting of grievous injustice. The deterrents were completely ineffective; from the multitude of governors of whose administrations we possess scantier or fuller records there emerge only a very few—*rari in gurgite nantes*—who exhibited a high political ideal and a delicate moral sense.

The present chapter proposes to study the various methods by which the military power of Rome was made a source of private gain to commander, officers, and rank and file.

2

On leaving Rome for his province the magistrate was voted a sum of money (*ornatio provinciae*) by the senate for expenses of administration. Though this grant provided an unscrupulous official with a convenient and immediate source of gain, so negligible was it in comparison with the sums which might be extorted from the provincials that in one case where, for political reasons, the tribunes had vetoed the *lex curiata* which regularly confirmed the bestowal of the *imperium*, the governor could afford to dispense with it altogether and set out *sine lege, suo sumptu*.⁴ It may be added that with all due allowance made for exaggeration in the comparison which Cicero institutes between their two administrations, the career of Appius Claudius Pulcher in Cilicia amply justified his initial confidence that he could afford to sacrifice this fund for the ampler resources of official extortion. If any military operations were in prospect the grant would naturally be a large one.⁵ In his speech *de imperio Cn. Pompei* Cicero makes the charge in general terms that instead of devoting this money to its proper uses men have been known to invest it at Rome before their departure.⁶ Their thrifty idea doubtless was to add the grant to their private capital and then raise the

⁴ Cic. ad Att. 4.18.4. (4.16.12.)

⁵ Out of the sum voted him for expenses of administration, Cicero gave his administrator sufficient for a year and returned a substantial amount to the Treasury in spite of the grumbings of his staff who inclined strongly to the opinion, for which they no doubt quoted numerous precedents, that any balance should be distributed among themselves (ad Att. 7.1.6).

⁶ (37) *quid hunc hominem magnum aut amplum de re publica cogitare qui pecuniam ex aerario depromptam ad bellum administrandum aut propter cupiditatem magistratibus dividerit aut propter avaritiam Romae in quaestu reliquerit? Vestra admurmuratio facit, Quirites, ut agnoscere videamini qui haec fecerint: ego autem nomino neminem.*

funds they required for administration, whether civil or military, by illegal and oppressive methods in the province itself. Nor does the history of provincial government warrant us in supposing that when Cicero speaks of the murmurs of angry confirmation that greeted his accusation, he is merely using a dramatic device to emphasize his charge. Fortunately, however, our knowledge is not limited to this general statement. Cicero brings a charge against Piso that before leaving the city in 57 B.C. for his province of Macedonia he invested the whole of his grant of eighteen million sesterces.⁷ The senate had been very generous; it had drained the treasury to provide Piso with a large force well equipped.⁸ But notwithstanding the fact that his frontier province afforded exceptional opportunities for military distinction, Piso accomplished nothing. No report of any operations reached the senate⁹ till there came his curt demand for a *supplicatio*. In the unsettled condition of the frontiers any commander as well furnished as Piso could have found 'trouble in the Balkans,' but Piso's mind was set on other things.¹⁰ He diverted to his own use also the sums that he raised in his province,¹¹ and even then he did not pay his troops.¹² The great force he had brought with him melted away from neglect, famine, disease and disaster.¹³ Many were discharged; the remnant were so incensed at his conduct that they laid siege to him in Dyrrhachium and extracted from him a promise under oath to pay them in full the next day. But he took advantage of the night's respite to escape in servile disguise under cover of darkness. Not daring to sail directly across to Brundisium, he fled up the Adriatic to the comparative solitude of its northern reaches.¹⁴ The same ill-treatment which he had meted out to his soldiers had been inflicted upon his officers.¹⁵ Cicero's statement is vague enough, but he certainly intended his audience to infer that Piso found his nefarious activities limited by the presence on his

⁷ Cic. in Pis. 86: *nonne sestertium centiens et octogiens . . . ex aerario tibi attributum, Romae in quaestu reliquisti?*

⁸ Cic. in Pis. 37: *aerarium exhauseras*; 38: *florente fortuna imperatoris*.

⁹ Cic. in Pis. 44.

¹⁰ Cf. Cic. de imp. Cn. Pomp. 64: *difficile est . . . ita versari nostrum imperatorem ut nihil aliud nisi de hoste ac de laude cogitet*.

¹¹ Cic. in Pis. 88.

¹² Cic. in Pis. 92.

¹³ Cic. de prov. cons. 5.

¹⁴ Cic. in Pis. 92 f.

¹⁵ Cic. in Pis. 96.

staff of officers with scruples, and that he got rid of them, resorting, in one case at least, to extreme measures.¹⁶

Sometimes too the money granted by the Treasury was used at once by the newly-appointed commander for the purpose of making himself solid with the men of influence and position¹⁷ with a view to securing the extension of his appointment. Yet this was as much a personal investment as if the commander had put the money out at interest in his own name. The distribution was made with no thought of generosity or friendship, but wholly with the idea of purchasing support. It was a sowing of seed on ground which was always suitably prepared for its reception; a year's extension of command in a province might easily bring forth sixty or an hundred fold.

If the contents of the war-chest were not dealt with in either of the ways that Cicero described, it was still open to the commander of an army to make a similar profit by allowing his forces to disintegrate, encouraging the purchase of discharges, and letting the pay of his troops fall into arrears. But this method was not so gainful and its use might involve risk and inconvenience, as Piso discovered.¹⁸ Verres' army was stripped bare in this way, and there is no uncertain intimation as to what became of the money intended for its maintenance.¹⁹ One of the marked features of this period is the steady development in the soldiery of a consciousness of power. They realized that they were indispensable instruments of advancement to the ambitious or avaricious magistrate, and they did not propose to forego any of the benefits which that power enabled them to exact. Not to mention Cicero's indignant outbursts at what he deemed the preposterous demands of the veterans after the death of Caesar,²⁰ an illustration of this spirit may be seen in the refusal of

¹⁶ Cic. in Pis. 88. One should remember, however, that charges even of this capital sort were made somewhat lightly. It is possible that Cicero's language here only reflects his own bitter hatred of Piso, and that he attributes to Piso's staff feelings that they did not really possess. But it is equally possible that the officers were not the paragons of virtue that Cicero makes them out to be, and that their resentment was grounded on the fact that whereas they had expected to share themselves in the spoils of Piso's misrule they had been cheated of their hopes. Cf. the feelings of Memmius' staff towards their chief (Catull. 10. 9-13).

¹⁷ See p. 2, n. 6.

¹⁸ See p. 3.

¹⁹ P. 5, n. 22.

²⁰ Cic. ad Brut. 1.10.3; Phil. 10.18.

the army on one occasion to stir out of Italy until its demands were met. Cicero's description is very terse: *militibus qui se negant usquam nisi acceperint*.²¹ If the soldiers exhibited this temper on an occasion where only extraordinary rewards and donatives were involved, their indignation was naturally all the keener when they were deprived of their lawful pay by a dishonest general. It was little wonder then that Piso's troops besieged him in his house or that the service disintegrated under a commander who refused either to pay or to feed his men. Like charges were made against Verres: it was alleged that he had reduced the garrisons in Sicily deliberately far below their normal strength with the sole purpose of increasing his own gains. The service was made intolerable with the result that many were glad to purchase their discharge. It was only a straw garrison in Pachynus that Cleomenes had to fall back upon after the disgraceful defeat of his ships, a mere handful of men. Avarice had done its work upon the land forces as well as upon the fleet.²²

3

The conquest of a country and the assumption of sovereignty create an obligation at the least to furnish protection from assault and security of life and property. Cicero believed that this obligation had been discharged in the earlier days of Roman expansion,²³ and that the subject peoples had had reason to bless the just and punctual hands that guided their destinies. There can be no question either but that the establishment of the Principate, however distasteful to the pride of the republican oligarchy, gave a large measure of peace and prosperity to the provincials.²⁴ But during the intervening period the lot of the provincials was a most unhappy one. So absolutely dependent were the various communities of a province upon the goodwill of the governor for their prosperity and almost

²¹ They were mustered to go to Sicily with Sulla and Messalla in 47 B.C. (Cic. ad Att. 11.22.2).

²² Cic. in Verr. 2.5.87: *Cleomenes autem, quod erat terrestre praesidium non re sed nomine, speravit iis militibus quos ex eo loco deduxisset explere se numerum nautarum et remigum posse. Reperta est eadem istius hominis avarissimi ratio in praesidiis quae in classibus; nam erant perpauci reliqui, ceteri dimissi.*

²³ Cic. de imp. Cn. Pomp. 41.

²⁴ Tac. Ann. 1.2: *neque provinciae illum rerum statum abnuebant, suspecto senatus populique imperio ob certamina potentium et avaritiam magistratuum, invalido legum auxilio, quae vi, ambitu, postremo pecunia turbabantur.* See also Furneaux, Tac. Ann. Vol. I.², p. 119.

for their very existence, so ready were they to put forth every effort and spare no expense to secure it, and so willing was he to extend that favor—for a consideration—that the door was opened to all kinds of abuses. Everything had its price; the most shameless venality prevailed. One of the meanest forms that this oppression took was the pressure put upon a community to extort from it large sums for the protection which was its least due from the rule of Rome. This would have been bad enough in itself; but when in return for these exactions no protection was provided,²⁵ the evil became a still more grievous one.

There can be little doubt that the sums contributed by the various communities of the province to Piso were extorted on this pretext, for they were mentioned in immediate connection with the disturbance caused to the province by invasion. The Achaeans paid a huge sum year by year. At Dyrrhachium all the revenues of the city were made over to the proconsul.²⁶ When no violence could any longer wring money from impoverished Byzantium, he quartered his troops there under the command of men whose only claims to preferment were the zeal and skill with which they had abetted his avarice and his crimes.²⁷ So regular had the abuse become that there was no endeavor to cloak these things: the money was paid over in full view of the public.²⁸ The province was cheated of the protection that was its own by purchase as well as by right, and found itself so harassed by invasion that it was doubtful if years of peace could restore its strength and prosperity.²⁹

The practice was extended even beyond the limits of Roman rule. The frontiers of Macedonia were only those of the sword and

²⁵ Cic. de imp. Cn. Pomp. 13: *ceteras in provincias eius modi homines cum imperio mittimus, ut, etiam si ab hoste defendant, tamen ipsorum adventus in urbis sociorum non multum ab hostili expugnatione differant.* Here *etiam si* is eloquent of what might be expected to happen.

²⁶ Cic. de prov. cons. 5: *quis ignorat, Achaeos ingentem pecuniam pendere L. Pisoni quotannis, vectigal ac portorium Dyrrachinorum totum in huius unius quaestum esse conversum . . . ?* This was evidently done under compulsion (Cic. pro Sest. 94).

²⁷ Cic. de prov. cons. 5: *quis ignorat . . . urbem Byzantiorum vobis atque huic imperio fidelissimam hostilem in modum esse vexatam? quo ille, postea quam nihil exprimere ab egentibus, nihil ulla vi a miseris extorquere potuit, cohortis in hiberna misit; iis praeposuit quos putavit fore diligentissimos satellites scelerum, ministros cupiditatum suarum.*

²⁸ Cic. in Pis. 88: *quid? stipendium militibus per omnis annos a civitatibus mensis palam propositis esse numeratum?*

²⁹ Cic. de prov. cons. 5.

spear,³⁰ and the tribes beyond this doubtful border, wishing to guarantee themselves immunity from aggression, had purchased it from Piso for a huge sum.³¹ To recoup themselves they made inroads upon what was recognized Roman territory, imperilling even the great military highway from Thessalonica to the East, and actually studding it with their camps.³² This was much more than a border foray, and Cicero charges Piso with being a party to the invasion.³³

If this charge is true Piso had certainly shown extraordinary boldness in his methods whereby he made a triple gain. He had converted his grant from the Treasury into private capital before leaving Rome; he had replaced this grant by extorting from the cities of his province funds for the maintenance of his army and for the protection of the province; and finally, after selling immunity from attack to the border tribes, he had connived at their plundering the northern districts of his province. This record of ingenuity and whole-hearted devotion to a single purpose almost rivals that of Verres himself.

4

Reference has already been made to another form of pressure that the governor could bring to bear upon the cities of a province, by threatening to quarter troops upon them for the winter.³⁴ Even in Italy where such a necessity was of rare occurrence, and where, for prudential reasons, a general was bound to restrain his troops and act with moderation himself, the burden of winter-quarters was regarded with great abhorrence. Cicero speaks feelingly of the cruelties and miseries that Antony's disposition of his forces caused at the time of the civil war.³⁵ Even without Cicero's direct testi-

³⁰ Cic. in Pis. 38.

³¹ Cic. pro Sest. 94: *alterum (sc. Pisonem) Thracibus ac Dardanis primum pacem maxima pecunia vendidisse, deinde, ut illi pecuniam conficere possent, vexandam iis Macedoniam et spoliandam tradidisse.*

³² Cic. de prov. cons. 4: *Macedonia . . . sic a barbaris, quibus est propter avaritiam pax erepta, vexatur . . . ut via illa nostra quae per Macedoniam est usque ad Hellespontum militaris, non solum excursionibus barbarorum sit infesta, sed etiam castris Thraeciis distincta ac notata. Ita gentes eae quae, ut pace uterentur, vim argenti dederant praeclaro nostro imperatori, ut exhaustas domos replere possent, pro emptâ pace bellum nobis prope iustum intulerunt.*

³³ See n. 31.

³⁴ See p. 6, especially n. 27.

³⁵ Cic. Phil. 2.62: *in oppida militum crudelis et miscra deductio.*

mony it would be reasonable to suppose that what happened in Italy was nothing in comparison with what took place abroad.³⁶ One of the most highly prized privileges of the *civitates liberae* was their exemption from this grievous infliction.³⁷ Not only were the soldiers prone to commit excesses and crimes which, in the very nature of things, the community was powerless to repress,³⁸ but their maintenance involved enormous, and at times even ruinous, outlay.³⁹ It is quite obvious that the commandant of a winter camp could do a great deal toward lightening the burdens which the presence of the troops imposed upon the district by the kind of discipline he enforced.⁴⁰ And it is equally obvious that he was in a position to exact bribes from a community as the price of ameliorating its distresses. Cicero makes the definite statement that his predecessors in Cilicia had made the collection of such bribes one of the chief objects of their official visits to the various districts of the province.⁴¹

These facts may serve to explain the outburst of gratitude with which Cicero communicates to Atticus the news that Caesar has

³⁶ Cic. de imp. Cn. Pomp. 38: *itinera quae per hosce annos in Italia per agros atque oppida civium Romanorum nostri imperatores fecerint, recordamini; tum facilius statuētis quid apud exterās nationes fieri existimetis.*

³⁷ Cf. Lex Antonia de Termessibus (ca. 71 B.C.), C.I.L. i., 204: *Quei Thermeses maiores Peisidae fuerunt . . . iei omnes postereique eorum . . . leiberi amicei socieique populi Romani sunt . . . nequis magistratus prove magistratu legatus ne[ive] quis alius meilites in oppidum Thermesum . . . agrumve . . . hiemandi caussa introducito, neve facito quo quis eo meilites introducat quove ibei meilites hient, nisei senatus nominatim, utei Thermesum . . . in hibernacula meilites deducantur, decreverit.*

³⁸ Cic. de imp. Cn. Pomp. 66: *pro sociis vos contra hostis exercitus mittere putatis an hostium simulatione contra socios atque amicos?* 13 (p. 6, n. 25); 38. in Pis. 86: *nonne, hiberna cum legato praefectoque tuo tradidisses, evertisti miseras funditus civitates, quae non solum bonis sunt exhaustae sed etiam nefarias libidinum contumelias turpitudinesque subierunt?*

³⁹ Caes. de bell. Gall. 5.27.11.

⁴⁰ Contrast Cic. de imp. Cn. Pomp. 13 (quoted, p. 6, n. 25) and 39: *hic miramur hunc hominem tantum excellere ceteris, cuius legiones sic in Asiam pervenerint, ut non modo manus tanti exercitus sed ne vestigium quidem cuiquam pacato nocuisse dicatur?*

⁴¹ Cic. ad Att. 5.21.7: . . . *mirifica expectatio Asiae nostrarum dioecesium, quae sex mensibus imperi mei nullas meas acceperat litteras, numquam hospitem viderat. Illud autem tempus quotannis ante me fuerat in hoc quaestu. Civitates locupletes, ne in hiberna milites reciperent, magnas pecunias dabant, Cyprii talenta Attica CC; qua ex insula— non υπερβολικῶς, sed verissime loquor,—nummus nullus me obtinente erogabitur.*

given his brother Quintus his choice of the winter-camps in Gaul for 54–53 B.C.: *perspice . . . mehercule cum Caesare suavissimam coniunctionem . . . qui quidem Quintum meum tuumque, di boni! quem ad modum tractat honore, dignitate, gratia! non secus ac si ego essem imperator. Hiberna legionis*⁴² *eligendi optio delata commodum, ut ad me Quintus scribit.*⁴³ The considerations that dictated Quintus' choice are not stated, but they may be inferred with almost complete certainty. His main object in accepting a commission in Caesar's army was a financial one: he wanted to make his fortune. Marcus Cicero, it is true, is at some pains on one occasion to deny this; but his denial turns out to be a strong proof of the fact. Assuming a lofty tone he solemnly protests that the maintenance of their political position through Caesar's favor was their original object, far outweighing in importance any financial advantage that his brother might secure. That certainly was the idea uppermost in the orator's mind, but it is a reasonable inference that the irritable complaints⁴⁴ that filled Quintus' letter were based upon the disappointment of his financial hopes⁴⁵ over which he had evidently been brooding, for this was his second letter on the same theme. A later letter however brought the important news that elicited Cicero's warmest gratitude: Quintus had been permitted to choose for himself, and had decided upon the winter-camp in the territory of the Nervii.⁴⁶ This later letter was of an entirely different tenor. The financial outlook had evidently brightened. We are justified therefore in

⁴² There is a textual difficulty here. It makes no difference, however, for this argument, whether one accepts Nipperdey's emendation *hiberna legionis*, which appears in most editions, or keeps the MS reading, *hibernam legionem*, which Sternkopf defends (*Neue Jahrbücher für Philologie und Paedagogik*, Vol. clv., p. 850). Precisely the same limitations must be placed upon the interpretation of both texts. It might be pointed out that both *hiberna legionum* and *hiberna legionis* are such common expressions that neither would provoke emendation. Quite the reverse is true of *hibernam legionem*. The latter, particularly if written in abbreviated form, would easily admit of alteration.

⁴³ Cic. ad Att. 4.19.2 (4.18.3). See note on this passage at end of this division, p. 12 f.

⁴⁴ Cic. ad Quint. frat. 3.8.1. Quintus had previously reported that Britain yielded no booty and Marcus had passed the information on to Atticus (ad Att. 4.18.5).

⁴⁵ Ibid., *non enim commoda quaedam sequebamur parva ac mediocria*.

⁴⁶ Cic. ad Quint. frat. 3.8.2.

concluding that to Q. Cicero's mind this favor from Caesar meant the realization, to some extent at least, of his hopes of gain.⁴⁷

This power of deciding the location of winter-quarters put a terrible engine of oppression into the hands of any conscienceless governor who chose to use it. The bare suggestion that any failure to contribute to the governor's purse would result in the quartering of troops upon the delinquent district was sufficient to elicit a generous response. The case of Byzantium has been already mentioned; that city had yielded its utmost to the rapacity of Piso, yet found no mercy at his hands. To punish them for refusing to give what they did not have, he quartered his cohorts there, with the result that the city was as badly off as if it had fallen into the hands of its foes.⁴⁸ It was inevitable that in the competition to secure so valuable a favor from the governor as immunity from winter-quarters the richer cities should have a distinct advantage. A double burden accordingly fell upon the poorer districts or upon impoverished communities that, like Byzantium, found themselves unable any longer to satisfy the governor's avarice. The curse of the poor was indeed their poverty. Wealthy cities would have been much better able to support the expense, but they had a more persuasive argument that enabled them to escape it. They paid their bribe to the governor year by year. No doubt they made provision for its payment in their annual budgets, and thought themselves fortunate at that to have the means of avoiding so vexatious a visitation.⁴⁹ The Cyprians alone paid two hundred Attic talents a year for this protection to the governor of Cilicia.⁵⁰ What the total amount came to that was collected from the whole province we have no information, but it must have been enormous when a single district paid so large a sum.

Moderation must have been a rare virtue when such unbounded opportunities for enrichment were thrust upon the governor. Cicero deems it necessary to be very emphatic in his assertion that he is

⁴⁷ Ligurius reported to Marcus Cicero on a subsequent occasion that Caesar detested Quintus, but had favored him and given him much money for his brother's sake (ad Att. 11.9.2).

⁴⁸ See p. 6, n. 27.

⁴⁹ One year's experience was enough for the Nervii. They professed themselves willing to submit to anything else that the suzerainty of Rome involved: *sese tamen hoc esse in Ciceronem populumque Romanum animo ut nihil nisi hiberna recusent atque hanc inveterascere consuetudinem nolint.* Caes. de bell. Gall. 5.41.5.

⁵⁰ See p. 8, n. 41.

telling the literal truth when he states that not a single sesterce has been exacted from Cyprus under his administration. We may well pardon him the pride with which he boasts that the districts in Asia subject to his rule awaited with wonderful enthusiasm and admiration the arrival of this strange governor, who had never sent them a single letter of requisition nor inflicted billeting of any sort upon them. This was certainly a unique experience for them: the winter had been the open season for gains of this sort before Cicero's regime.⁵¹ Fifteen years previously Cicero had boasted of the fairness and justice with which Pompey had treated the cities of Asia⁵² as a return to the standards of the golden past.⁵³ It is interesting to note that on that occasion also he had emphasised the amazement which such conduct aroused on the part both of the provincials themselves and of Roman residents in Asia. To the latter it was the constant theme both of their daily conversation and of the letters they sent home;⁵⁴ to the former Pompey seemed in his moderation and generosity an angel sent from heaven,⁵⁵ a restorer of men's belief in the Golden Age of Rome's glory. And though the Roman temperament was given to voicing its adulation in terms that seem extravagant judged by our standards, there can be no question but that the contrast between the prevailing practice and that of Cicero and Pompey was remarkable enough to justify what we might otherwise regard as the language of extremes.⁵⁶

⁵¹ See p. 8, n. 41.

⁵² See p. 8, n. 40.

⁵³ Cic. de imp. Cn. Pomp. 39: *hiemis enim non avaritiae perfugium maiores nostri in sociorum atque amicorum tectis esse voluerunt*. The past was not all golden however as the words of C. Gracchus show: *Quirites, cum Roman profectus sum, zonas quas plenas argenti extuli, eas ex provincia inanes rettuli. Alii vini amphoras, quas plenas tulerunt, eas argento repletas domum reportaverunt* (Gell., Noct. Att. 15.12).

⁵⁴ Cic. de imp. Cn. Pomp. 39.

⁵⁵ Cic. de imp. Cn. Pomp. 41.

⁵⁶ That such language was not mere oratorical bombast is evidenced by the fact that in his treatise on provincial government addressed to his brother, marked throughout by high political ideals and brotherly affection, Cicero uses almost the same expression. After commenting on the ease with which a person of his brother's nature will resist temptations to advance himself and check any disposition thereto in others, he adds: *nam Graeci quidem sic te ita viventem intuebuntur, ut quendam ex annalium memoria, aut etiam de caelo divinum hominem esse in provinciam delapsum putent* (Cic. ad Quint. frat. 1.1.7).

The point is further emphasised in Pompey's case that no one, however willing, was allowed to incur expense by providing for the troops.⁵⁷ It may well be that the immense gain that was experienced in the substitution of just and efficient administration for the plunder and oppression of which they had been the victims roused in the people of Asia a gratitude that made them eager to show their appreciation, and that in consequence offers were made to the general willingly to undertake a service that it had been one of their chief aims to avoid. In a more unfavorable context the conjecture might have been hazarded that these offers were made with one of two objects in view: either to avoid by a voluntary contribution of a smaller amount the danger of being forced to expend a greater one, or to curry favor with the general and thereby secure some highly prized immunity or concession such as the Mamertines obtained from Verres for the whole period of his praetorship in Sicily.⁵⁸ But it is more probable that Pompey did not wish to obligate himself to any community in view of the greatness of his task, for which the government had already provided him with abundant resources. It was never his habit to scatter favors about in the seemingly reckless way that his great rival did. In any case, instances of such willingness to contribute to the expenses of the Roman army are extremely rare. Ordinarily it took all the ingenuity the provincials were capable of exercising to save for themselves a remnant from the rapacity of the Roman commanders.

Note on Cic. ad. Att. 4.19.2

Quintus Cicero had only recently become Caesar's *legatus* and had not as yet been entrusted with any important command; for it was Caesar's invariable practice to test the mettle of his officers in subordinate positions before promoting them to posts of responsibility.⁵⁹ At the close of this year's campaign (54 B.C.) Caesar was faced with a dangerous situation in Gaul, which had in fact occasioned his somewhat early return from Britain.⁶⁰ While the failure of the harvest necessitated a wider distribution of his forces than usual for the winter months, it was the restlessness of the Belgae that dictated his choice of that district for occupation. Under such circumstances the placing of the winter-camps was a concern of the

⁵⁷ Cic. de imp. Cn. Pomp. 39.

⁵⁸ P. 40 f.

⁵⁹ Cf. Sternkopf, *Neue Jahrbücher für Philologie und Paedagogik*, Vol. clv., p. 851.

⁶⁰ Cf. Holmes, *Caesar's Conquest of Gaul*,² p. 105.

gravest military importance. It might be a matter of comparative indifference to Caesar whether this officer or that was the commandant at a particular place, but it was a matter of supreme moment from a strategic point of view where the camps should be located. It is inconceivable that Caesar should have left their determination to any decision but his own.⁶¹ These considerations then may be added to the reasons which Sternkopf advances in support of the tradition. What Sternkopf regards only as a possibility becomes a practical certainty.⁶² Quintus Cicero was shown the plan of the disposition of the legions as Caesar himself had determined it and was allowed to select from these locations the one which he preferred. It was not an unlimited choice of locations, but a choice between several predetermined locations. Neither was it a choice of legions alone. Marcus Cicero's enthusiasm would seem utterly extravagant had the favor shown his brother been merely the right to choose which legion he should command in winter-quarters. That was involved, but it was not the main issue.

5

A further pretext for illicit gain was found in the provision of equipment for the army. No doubt greater precaution had to be exercised here than in the matter of quartering troops, for the commander could always plead military exigencies in justification of his choice of a winter-camp; while his motives in deciding for this or that location might be suspected, it was not open to any one to question his authority. On the other hand an enforced demand upon a particular place to furnish specific equipment for his soldiers might involve him in accusations on his return to Rome, which he could less easily repel. One specific instance of such graft is mentioned by Cicero, and it is a matter for regret that the details are so incomplete. So much at least is certain that Piso, under pretext of manufacturing equipment for his troops—whether shields, corselets, or boots, we are not told—had rounded up the cattle of the province and so cornered the visible supply of leather.⁶³

⁶¹ Some years later Q. Cicero served as his brother's *legatus* in Cilicia. There was no question but that his military knowledge and experience were superior to those of Marcus. Yet it was the latter who gave directions for the disposal of his four legions for the winter: Quintus simply carried out his brother's orders.

⁶² "Caesar kann die standorte der einzelnen legionen vorher bestimmt und dann dem Cicero der wahl der legion aus besonderer rücksicht überlassen haben, indem er ihm den dislocationsplan zeigte." (*op. cit.*, p. 852).

⁶³ Cic. in Pis. 87: *illam armorum officinam ecquid recordaris, cum omni totius provinciae pecore compulso, pellium nomine omnem quaestum illum domesticum*

We are not informed either whether any return whatever was made by Piso to the owners of the cattle; certainly Cicero means his hearers to infer that his action amounted to confiscation. Piso's early training, he suggests, is bearing fruit; he is a chip off the old block; he is keeping up the family tradition; his father had been a grafter in the manufacture of arms during the Social War, at which time the homestead was full of ill-gotten wealth.

Another instance of the same illicit profiteering, and a still more culpable one, is found in Cilicia. As Dolabella's legate in 80 and 79 B.C., Verres had requisitioned various supplies of corn, hides, leather and sacks—military supplies evidently—from the cities of the province, and had then forced them to give him instead their value in cash—a method which achieved the real purpose of the requisition in the most direct way. Under this head alone the praetor's exactions were estimated by his victims at three millions of sesterces, a sum which marvelously illustrates the enormous possibilities of the method pursued.⁶⁴ In this matter Verres was simply acting as agent for Dolabella, but he was being trained under a capable master for the infamous part that he was destined to play in Sicily.

There was no excuse for a Roman commander demanding equipment for his men. With the exception of the brief period from 123 B.C. to 109 B.C.,⁶⁵ it was the regular practice to deduct from the soldiers' pay the cost of his clothing, weapons and maintenance.⁶⁶ If a general requisitioned these things from the provincials and at the same time made deductions from the *stipendia* of his men, he simply doubled his gains from this source.

6

Active service abroad offered such splendid opportunities of enrichment that commissions in the army were eagerly sought. The

paternumque renovasti? Videras enim grandis iam puer bello Italico repleti quaestu vestram domum, cum pater armis faciendis tuus praefuisset. Cicero says with comprehensive emphasis "all the cattle of the whole province," but we do not need to accept that literally.

⁶⁴ Cic., in Verr. 2.1.95.

⁶⁵ Plut., C. Gracch. 5.

⁶⁶ Polyb. 6.39.15. The persistence of this practice is evidenced by Tac. Ann 1.17.6: *enimvero militiam ipsam gravem, infructuosam: denis in diem assibus animam et corpus aestimari: hinc vestem arma tentoria, hinc saevitiam centurionum et vacationes munerum redimi.*

governor-elect was besieged by applicants for positions on his staff.⁶⁷ The *legati* were, in theory, nominated by the senate,⁶⁸ but it was customary to consult the wishes of the commander himself.⁶⁹ Any deviation from this practice called forth strong protests, even when there were constitutional difficulties in the way of an appointment. This was true of Gabinius, who, having himself proposed the *lex* appointing Pompey to the command of the war against the pirates, was not eligible under the *Lex Licinia* and the *Lex Aebutia*⁷⁰ for any post connected with that war. Cicero persuaded himself at the time that the law was both unpopular and unjust; he asserted vehemently that no one had better claims upon a legateship than the man who had proposed Pompey as commander; he challenged the consuls and tribunes to block his appointment at their peril.⁷¹ Whether it was unpopular or not, the law soon fell into disuse. Vatinius went out with Caesar to Gaul as his legate, though the latter was indebted to a *Lex Vatinia* for his province. Vatinius thus reaped an immediate reward for which he had made suitable provision by including in the measure he submitted to the people a clause giving Caesar a free hand in the appointment of his legates. Yet there could be no question but that the principle of the Aebutian law was right, as Cicero himself clearly recognized⁷² when he attacked its violation by Vatinius with such virulence.⁷³ It was evidently

⁶⁷ Cic. ad Fam. 13.55.1: *nam cum iam diu diligerem M. Anneium deque eo sic existimarem, ut res declarat, qui ultro ei detulerim legationem, cum multis petentibus denegassem. . . .* We have a description too of Verres' efforts, almost pathetic in their earnestness, to secure such an appointment. He made use of everybody who had a 'pull' with Dolabella: *posteaquam Cn. Dolabellae provincia Cilicia constituta est, o di immortales, quanta iste cupiditate, quibus adlegationibus illam sibi legationem expugnavit!* This earnestness was only surpassed by that with which, after receiving the appointment, he plundered wherever he went, not even waiting till he reached his own province: *Nam ut est profectus, quacumque iter fecit, eius modi fuit, non ut legatus populi Romani, sed ut quaedam calamitas pervadere videretur* (Cic. in Verr. 2.1.44).

⁶⁸ Cic. in Vat. 35 f.

⁶⁹ Cic. de imp. Cn. Pomp. 57.

⁷⁰ Cic. de leg. ag. 2.21: *Licinia est lex et altera Aebutia, quae non modo eum, qui tulerit de aliqua curatione ac potestate, sed etiam conlegas eius, cognatos, adfinis excipit, ne eis ea potestas curatiove mandetur.*

⁷¹ Cic. de imp. Cn. Pomp. 58.

⁷² Cic. de leg. ag. 2.22: *optimae leges igitur hac lege sine ulla exceptione tollentur. Idem lege sibi sua curationem petet.*

⁷³ Cic. in Vat. 35: *et quoniam legationis tuae facta mentio est, volo audire de te, quo tandem senatus consulto legatus sis?*

intended to prevent a coalition between the soldier and the demagogue, a union always fraught with danger to free institutions, as the history of Greece abundantly proved, and to block what was almost as pernicious, the loading of the general's staff with the colleagues or relatives of the proposer of the bill.⁷⁴ In discussing the appointment of Gabinius, as elsewhere in the same speech, Cicero contrasts Pompey's moderation with the avarice displayed by other generals. Other commanders, he asserted, had taken out legates of their own choosing to plunder the allies and pillage the provinces:⁷⁵ why then should a clean-handed general like Pompey not have his preference respected?⁷⁶ Though we may acquit the orator of any sinister motives, it is a temptation to believe, from what we know of the man, that in Gabinius' mind at least, if in no other, the chief regret at the opposition to his appointment as legate was the feeling that that opposition, if successful, would cut him off from a recognized source of gain to which others had been given ready access.

This same idea of the financial advantages afforded by a legateship is suggested in a more general way by some interesting passages. During the period of Quintus Cicero's service in Gaul his brother wrote him a letter sharply reproving him for summoning men like Hippodamus to join him: there was not one of them, he protested, who would not expect from him the equivalent of a suburban estate at the least.⁷⁷ The orator's peevishness was natural enough: he had been at some pains to secure for his brother a lucrative appointment, and he could not see why he wanted to share the profits with others. If a legate was in a position to bestow valuable favors of this sort, we must assume that his own opportunities of gaining wealth were large indeed. A still more striking suggestion to the same effect is afforded by the passage where Cicero describes in general terms the oppression of the provincials by the armies of Rome and their commanders. Temptations to plunder, he avers, stand on every side;⁷⁸

⁷⁴ P. 15, n. 70.

⁷⁵ Cf. Cic. in Verr. 2.1.56: *nam postea Servilius imperator populi Romani Olympum urbem hostium cepit quam tu in isdem illis locis legatus quaestorius oppida pacata sociorum atque amicorum diripienda ac vexanda curasti.*

⁷⁶ Cic. de imp. Cn. Pomp. 57.

⁷⁷ Cic. ad Quint. frat. 3.1.9: *in Hippodamo et non nullis aliis arcessendis quid cogites non intelligo. Nemo istorum est quin abs te minus fundi suburbani instar expectet.*

⁷⁸ P. 3, n. 10.

if a general does manage to keep his own hands clean, he fails to win a name for integrity because he has so many harpies around him;⁷⁹ all grades of officers are the same in spirit, they differ only in the amount of plunder they amass; there is not a city in Asia whose undivided spoil would satisfy the ambitious greed of a military tribune, much less that of a legate⁸⁰ or commander: *quae civitas est in Asia, quae non modo imperatoris aut legati, sed unius tribuni militum animos ac spiritus capere possit?*⁸¹ In this respect the officers were only maintaining the traditions of the service which, Cicero's praise of old-fashioned integrity to the contrary notwithstanding, had begun with the very beginnings of the extra-Italian expansion of Roman power. C. Sempronius Gracchus could boast after his two years' quaestorship in Sardinia that he came back with his purse empty, though he had taken it out full; there were others, however, who had taken out *amphorae* filled with wine and had brought them back filled to overflowing with silver.⁸²

Nor was it only the higher commissions that were coveted. Writing a letter of recommendation to Brutus in behalf of Q. Fufidius, Cicero says that Fufidius was one of his military tribunes in Cilicia and that his behavior in that office made it appear that Cicero himself was the recipient, not the donor, of the favor.⁸³ Officers of the lowest grade found the service profitable quite apart from their pay; even the post of centurion became a desirable prize. There were sixty centurions in each legion and their advancement from the lowest to the highest grade was in the general's hands and was supposed to be the reward of merit and valor.⁸⁴ Deeds of signal daring often brought rapid promotion.⁸⁵ But we have two definite statements to the effect that the office was bought and sold. One of these

⁷⁹ Cic. de imp. Cn. Pomp. 64: *deinde, etiam si qui sunt pudore ac temperantia moderatiores, tamen eos esse talis propter multitudinem cupidorum hominum nemo arbitratur.*

⁸⁰ A very striking instance of bare-faced robbery by a *legatus* is described in the following chapter (sect. 7, p. 48). The offence was aggravated by the means adopted by the governor to repress or destroy all evidence of it.

⁸¹ de imp. Cn. Pomp. 66.

⁸² See p. 11, n. 53.

⁸³ Cic. ad Fam. 13.12.1.

⁸⁴ Caes., de bell. Gall. 6.40.7; de bell. civ. 1.46.3. A detailed example for the earlier period is furnished by Livy 42. 32-35.

⁸⁵ Caes. de bell. civ. 3.53.4.

charges is made in general terms: *quem enim possumus imperatorem ullo in numero putare, cuius in exercitu centuriatus veneant atque venierint?*⁸⁶ There has been some debate on the question to whom Cicero here refers, opinion being fairly well divided between L. Lucullus and M'. Acilius Glabrio. The other charge, however, is directed against Piso by name. His offense was all the more flagrant because of the shamelessness with which it was openly perpetrated. It was further aggravated by the fact that the sale of promotions in his army was made the means of enriching a favorite slave.⁸⁷ In purchasing their commissions these officers would naturally expect to recoup themselves from the service; the prices paid would vary with the avarice of the commanders and the prospects that the particular campaign afforded.⁸⁸ Their ranking, instead of being determined by length of service and merit, would depend on the price that they were able or willing to pay. Seniority conferred certain privileges, and the *primipili* in particular occupied a favored place, as they were admitted to the council of war and enjoyed a larger share of the booty.

Yet while the spoils of war were a great attraction to soldiers and officers alike, the centurions, in whose hands rested the main responsibility for the discipline of the army, had a graft peculiar to themselves and derived from an entirely different source in their exactions from the men under their command. Life in barracks was dull at the best; in addition to the necessary routine, work was made for the troops and tasks imposed the sole object of which was to forestall idleness and consequent mischief.⁸⁹ Furloughs were as welcome a relief from the monotony of cantonments to the Roman as to the

⁸⁶ Cic. de imp. Cn. Pomp. 37.

⁸⁷ Cic. in Pis. 88: *quid? (sc. proferam) centuriatus palam venditos, quid? per tuum servolum ordines adsignatos?* It was precisely such circumstances as this that roused Cicero's bitterest wrath. Cf. his contemptuous allusions to Fulvia's boudoir in Phil. 2.95: *syngrapha sesterti centiens . . . facta in gynaeceo est, quo in loco plurimae res venierunt et veneunt*; also the soberer statement in ad Att. 14.12.1: *quid? Deiotari nostri causa non similis? Dignus ille quidem omni regno, sed non per Fulviam*. His rejoicing that Deiotarus should at last have come into his own was much dampened by the trafficking of his agents with Antony's wife.

⁸⁸ The best illustration I have found comes from an earlier period; it refers to the levy held by the consul Licinius in 171 B.C. for the campaign in Macedonia: *Licinius veteres quoque scribebat milites centurionesque; et multi nomina dabant quia locupletes videbant qui priore Macedonico bello aut adversus Antiochum in Asia stipendia fecerant* (Livy, 42, 32, 6).

⁸⁹ Cf. Tac. Ann. 1.35.

modern soldier, and exemptions from the performance of camp-duty as highly prized. The only method of procuring these was to purchase them from the centurions. While the only detailed account that we possess of the situation thus created comes from a later period than the one dealt with here, the evil was one of long standing, and had probably existed from the inception of Rome's professional army. The picture therefore which Tacitus draws of the demoralization of the imperial army through the sale of *vacationes* may be regarded as true for the armies of the Ciceronian period in which centurionships were bought and sold.⁹⁰

7

Ancient wars even to a greater extent than modern wars were wars of aggression. The principle that 'to the victors belong the spoils' was applied with ruthless severity. The history of the Roman practice in regard to the disposal of the immense booty that accrued from successful campaigns is a long and intricate one. It does not fall within the scope of the present study; yet it presents some features that connect it with that study at one or two points. These will be considered briefly.

The theory was never altered that all the booty belonged to the state. The terms of the military oath bound both general and soldiers to remit the spoil, or its proceeds, unimpaired. There are instances of vexatious prosecutions directed against commanders for the most trifling infractions of this principle.⁹¹ But the practice grew up of making large contributions to the troops either on the field of victory or in Rome after the celebration of the triumph. The amount of this distribution was entirely at the discretion of the general. But if one takes into consideration the prevailing spirit in which military service was undertaken by officers and private soldiers,⁹² it is easy to see that enormous pressure would be brought to bear upon the general to gratify the desires and win the favor of his troops. Cicero, the paragon of Roman governors, records the gleeful enthusiasm of the troops that attended such a distribution of plunder after the capture

⁹⁰ See Excursus at end of this chapter, p. 31 f.

⁹¹ Cf. Plut. Pomp. 4; Mommsen, *Die Scripionen-prozessen* (Röm. Forsch. ii., pp. 432-455).

⁹² Cf. p. 3, n. 10; p. 17, n. 79; Livy 7.16.4: *castra nunc . . . vobis hostium urbemque praedam do si mihi pollicemini vos fortiter in acie operam navaturos nec praedae magis quam pugnae paratos esse.*

of Pindenissus.⁹³ It may be taken as an indication of the growing claims of the soldiers that there is a tremendous increase from the modest sum that Scipio bestowed upon his troops after his triumph over Carthage, four hundred *asses* per man,⁹⁴ to the six thousand sesterces that Pompey,⁹⁵ and the twenty thousand sesterces that Caesar⁹⁶ bestowed upon each of the legionaries. A great national victory had been the occasion of the smaller, as a great personal victory was the opportunity for the larger gift—a significant comment on the decline of the national spirit in the century preceding the establishment of the Principate.

It is obvious that these distributions of the spoils of war, while sanctioned by long usage, yet furnished the victorious general with an opportunity to attach the soldiers to himself at the expense of the state treasury, and that an ambitious commander who was desirous of gaining a position in the state which would open the way to other commands possessed in the power to make such grants what was virtually a campaign-fund of the utmost value. The vote of the veterans was frequently a factor in the elections, and the commander who had dealt generously with his troops and was now appealing for their suffrages had an immense advantage over a more scrupulous rival who had turned over the bulk of the spoil to the coffers of the state. Instances are not lacking in the earlier period at least where a general after satisfying his troops had no surplus whatever to remit to the treasury.⁹⁷

There were other ways also in which the proceeds of the booty could be diverted from the treasury. The general might reserve any sums he considered necessary to the furtherance of his military campaign. In addition he might withhold sums for the fulfilment of vows of temples or public buildings which he had made at the beginning of the war.⁹⁸ Such reservations could readily be turned to his personal profit. But the most significant fact was that he was

⁹³ Cic. ad Att. 5.20.5: *hilara sane Saturnalia militibus quoque quibus equis (captivis, Wesenberg; mancipiis, Müller) exceptis reliquam praedam concessimus.*

⁹⁴ Livy 30.45.

⁹⁵ Pliny, N.H. 37.16: *HS* $\overline{MM}$ *rei publicae datum, legatis et quaestoribus qui oras maris defendissent* *HS* $\overline{M}$, *militibus singulis* *HS* *senā milia.*

⁹⁶ Dio Cass. 43.21: τοῖς δὲ δὴ στρατιώταις πεντακισχιλίας δρας (sc. δραχμας) ἔνειμε.

⁹⁷ Livy 7: 16, 3 and 4; 24, 9; 27, 8.

⁹⁸ Bouché-Leclercq, *Manuel des Institutions Romains*, p. 247.

not bound to render any accounts of the disposal of the booty.⁹⁹ This placed the matter entirely in his hands. Cicero dwells with great emphasis upon the tie that should, and usually did, bind together the governor and his quaestor.¹⁰⁰ No doubt it was immensely convenient for the keeper of the accounts and the controller of the funds to make common cause with one another. Furthermore the idea developed that certain parts of the booty, or a certain proportion of it, formed a perquisite of the general himself.¹⁰¹ To emphasize his independence in this matter he entrusted these personal funds not to the officials who had charge of the public monies, but to an entirely different officer.¹⁰² Certainly when Cicero lauds Pompey for not letting avarice divert him from his plan of campaign and allure him to any plunder,¹⁰³ he does not indicate that such thrift was on behalf of the state treasury; *ceteros* implies that Pompey was a unique example of such sobriety of conduct.

In an elaborate passage of bitter irony Cicero describes how Mithridates took advantage of the cupidity of his foes in leaving behind a store of wealth for them to plunder while he made good his escape.¹⁰⁴ Their real object was the gathering in of the booty, and so the king, whose defeat and capture was an affair of paramount importance to the stability of Roman power in the East, was allowed to slip out of their hands. But it is only the plainest tale of fact when Cicero records that the coalition that rendered nugatory Lucullus' crushing defeat of Mithridates owed its strength chiefly to the fear which had seized the people of those regions that the main object of the Roman expedition was to plunder the wealthy shrine of Anaitis in Elymais.¹⁰⁵

Indeed so compelling a motive was the desire for booty that we meet again and again with the charge that Roman generals wantonly

⁹⁹ Cic. de leg. ag. 1.12. Cf. Mommsen, *R. St. R.* II, 550.

¹⁰⁰ Cic. Div. in Caecil. 61; pro Planc. 28; ad Fam. 13.10.1; in Verr. 2.3.6.

¹⁰¹ Marquardt, *St. V.* II², 287.

¹⁰² Cic. ad Fam. 2.17.4.

¹⁰³ Cic. de imp. Cn. Pomp. 40: *illum . . . eae res, quae ceteros remorari solent non retardarunt. Non avaritia ab instituto cursu ad praedam aliquam devocavit.*

¹⁰⁴ Cic. de imp. Cn. Pomp. 22.

¹⁰⁵ Cic. de imp. Cn. Pomp. 23: *erat etiam alia gravis atque vehemens opinio, quae per animos gentium barbararum pervaserat, fani locupletissimi et religiosissimi diripiendi causa in eas oras nostrum esse exercitum adductum.*

attacked peaceful cities on no other ground save that of their wealth.¹⁰⁶ Plunder they seemingly had to have; it was their right. If there was no convenient enemy to provide it, it had to be found among the allies of Rome. The communities of a province were exposed to the same perils as threatened individual citizens under the rule of the Thirty at Athens. No city that was wealthy was safe from attack; for no such city was deemed by the covetousness and greed of Roman armies and their commanders to be at peace.¹⁰⁷ The situation of the allies at once exposed them to such wanton abuse of power and rendered them incapable of resisting the aggression. They hated their oppressors with a deep and inexstinguishable hatred. No city, Cicero avers, no temple, no private house was spared, if only it promised spoil.¹⁰⁸ While this phrasing may be the exaggeration of fervid rhetoric, there is no question that the pillaging of the unhappy provincials was consistently practised by Roman commanders in their own interest.

8

The sudden rise of Rome and the rapidity with which she made her conquest of the Mediterranean world had roused a marvellous respect for her military prowess. Her trained legionaries had hewn their way to victory in Europe, Africa and Asia, and had won a name for invincibility. It was inevitable therefore that some states with keener political foresight than their neighbors should seek to make peace and friendship with this great power and forestall defeat and subjugation by voluntary submission.¹⁰⁹ And it was equally inevitable that in cases where a country was rent by faction or revolution one side or the other should appeal to Rome for justification and

¹⁰⁶ Cic. de imp. Cn. Pomp. 65: *urbes iam locupletes et copiosae requiruntur quibus causa belli propter diripiendi facultatem inferatur.* Cic. pro Sest. 93: . . . cum sciat . . . alterum (sc. Gabinium) haurire cotidie ex pacatissimis atque opulentissimis Syriae gazis innumerabile pondus auri, bellum inferre quiescentibus ut eorum veteres inlibatasque divitias in profundissimum libidinum suarum gurgitem profundat . . .

¹⁰⁷ Cic. de imp. Cn. Pomp. 67: *ecquam putatis civitatem pacatam fuisse quae locuples sit, ecquam esse locupletem, quae istis pacata esse videatur?*

¹⁰⁸ Cic. de imp. Cn. Pomp. 65: *difficile est dictu, Quirites, quanto in odio simus apud exterarum nationes propter eorum, quos ad eas per hos annos cum imperio misimus, libidines et iniurias. Quod enim fanum putatis in illis terris nostris magistratibus religiosum, quam civitatem sanctam, quam domum satis clausam ac munitam fuisse?*

¹⁰⁹ E.g., the Aedui, Numidia, Pergamum.

support.¹¹⁰ These things made an excuse for interference whereby Rome came to assume the rôle of arbiter of the destinies of the neighboring peoples. Ordinarily the government was not indisposed to accept, or indeed to create, opportunities of this sort. But it was only rarely that such intervention was left to the initiative of the commanders. In such cases provision was made for it by the bestowal of a *maius imperium*, and all the magistrate's acts and settlements were subject to review; they might be either confirmed or rejected. Though the power that the *imperium* conferred upon its holder was large and untrammelled it was strictly limited both in time and place, and these restrictions were jealously guarded. All extra-provincial activities were expressly forbidden by law, and the repetition of this prohibition in various enactments and particularly in the *lex Iulia de repetundis* shows how completely the government was seized of the dangers such action involved to the public interest.¹¹¹ Obviously for such offences there could be no possibility of permanent concealment,¹¹² and it may have been owing to that reason as much as to any that the law was so uniformly obeyed. When therefore the news reached Rome that Gabinius had accepted an enormous bribe and had restored Ptolemy the Piper to his throne of Egypt, it created a tremendous sensation.

The circumstances surrounding this case were of the most extraordinary character; they were intimately bound up with the tangled skein of rivalry and intrigue which marked the struggle of the leading men at Rome for place and power. It was not that Egypt was an unimportant country that it had been so long exempt from Rome's active intervention. Quite the reverse was true. It was too important. Its strategic situation,¹¹³ its amazing fertility, the vast possibilities of its wealth¹¹⁴ had not failed to impress ambitious minds, and

¹¹⁰ As in the cases of Parthia (Dio Cass. 39.56.2), and Aristobulus (Jos. Ant. Iud. 14.55).

¹¹¹ Cic. in Pis. 50: *mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quae cum plurimae leges veteres, tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime vetat.* Cf. Dio Cass. 39.56.4.

¹¹² Dio Cass. 39.59.1.

¹¹³ P. 24, n. 123. Caesar appreciated this. Cf. Suet. Jul. 35: *regnum Aegypti victor Cleopatrae fratrique eius minori permisit veritus provinciam facere, ne quandoque violentiorem praesidem nacta novarum rerum materia esset.*

¹¹⁴ Diod. Sic. 33.18.2 f.; App. de bell. civ. 1.102.

its possession was eagerly coveted.¹¹⁵ In particular, Caesar,¹¹⁶ Crassus,¹¹⁷ Pompey,¹¹⁸ and Lentulus,¹¹⁹ individually or in various combinations as the political kaleidoscope shifted, intrigued for a chance to occupy it, sometimes openly, sometimes by methods the most indirect. The Egyptian question was the football of Roman politics for more than fifteen years.¹²⁰ The right of Ptolemy to the throne did not rest upon any very secure foundation; in consequence of which he was all the more desirous of recognition by the Roman government and paid handsomely for the scant measure of moral support that was doled out to him,¹²¹ while the government hesitated to occupy the country for itself though it had put forward a halting claim of having received it as a legacy from King Alexa.¹²² The truth was however that the optimates had no mind to let so great a political and military asset pass into the hands of any one man¹²³ or to cut off from themselves a regular source of solid gain¹²⁴ by relieving the precarious position in which the king found himself placed; while the great leaders, who might easily have overcome the opposition of the conservatives to decisive action, were so hampered by mutual jealousies¹²⁵ that their ambitions had resulted only in a stalemate.¹²⁶ Once these jealousies were overcome by the substitution of a united¹²⁷

¹¹⁵ This is a true statement for the whole Roman people, who were willing to sacrifice the nation's honor in order to secure the prize. Cf. Schol. Bob. 1.1: *ut rapiat, ut latrocinetur. vehementibus et invidiosis verbis utitur; non enim dixit: 'ut exposcat hereditatem, ut sibi vindicet,' sed quo vel maxime pudor consternaretur audientium, 'ut rapiat,' inquit, 'ut latrocinetur,' quae sine dubio non iuris verba, sed sceleris ab huiusmodi cupiditate deterreant.*

¹¹⁶ Suet. Jul. 11; p. 29, n. 163.

¹¹⁷ Plut. Crass. 13.

¹¹⁸ Cic. ad Fam. 1.1. 2 f.; ad Quint. frat. 2.3.2.

¹¹⁹ Cic. ad Fam. 1.1.

¹²⁰ The recognition of the Ptolemy was discussed as early as 70 B.C. (Cic. in Verr. 2.2.76).

¹²¹ P. 27, n. 144. Dio Cass. 39.12.1: *ἐπειδὴ γὰρ πολλὰ τισι τῶν Ῥωμαίων χρήματα, τὰ μὲν οἰκοθεν, τὰ δὲ καὶ δανεισάμενος, ὅπως τὴν τε ἀρχὴν βεβαιώσῃται καὶ φίλος καὶ σύμμαχος ὀνομασθῇ καταναλῶκει.*

¹²² Cic. de leg. ag. 2.41.

¹²³ Cic. ad Fam. 1.4.2. Cf. Dio Cass. 39.16.2.

¹²⁴ Plut. Cat. Min. 35: . . . Κάτωνος καὶ διδάσκοντος, ὅσῃν εὐδαιμονίαν ἀπολιπὼν ὅσαις ἑαυτὸν ὑποτίθησι λατρείαις καὶ πόνους καὶ δωροδοκίαις καὶ πλεονεξίαις τῶν ἐν Ῥώμῃ δυνατῶν, οὓς μάλιστα ἐξαργυρισθεῖσαν ἐμπλήσειν Αἴγυπτον.

¹²⁵ Dio Cass. 39.14.4.

¹²⁶ Cic. ad Fam. 1.1.3, and cf. 1.5.3: *sed vereor, ne aut eripialur causa regia nobis aut deseratur.*

¹²⁷ Cf. Ferrero, Julius Caesar (Eng. tr.) p. 59 and n

for a divided interest through the re-establishment of the triumvirate at Lucca, the Egyptian question was soon settled. In the meantime Ptolemy had left his kingdom, or had been driven out by the Alexandrians who were exasperated by the extortions he had practised upon them to raise the vast sum he had paid out in Caesar's consulship for the title of 'King and friend of the Roman people.'¹²⁸ A plan for his restoration was arranged with Gabinius in spite of the senate's decree and the prohibition of the Sibylline books, a prohibition cleverly discovered (or invented¹²⁹) at the very nick of time, and, contrary to all law¹³⁰ and custom, given out to the people *iniussu Senatus* with all due regard for sensational effect.¹³¹ It is inconceivable that a man like Gabinius, notwithstanding the ability and vigor that he displayed in administration, would have had either the hardihood¹³² or the opportunity to restore the dispossessed king had he not been sure of the support of the men whose alliance had made their will the law of the state. We are quite justified therefore in accepting Dio's account, that Pompey wrote to Gabinius giving him definite instructions for the restoration of the king.¹³³ It is equally inconceivable that the immense bribe paid by the Piper for his restoration was allowed to remain undivided in Gabinius' hands.

The king's promise, munificent as it was in its final form,¹³⁴ was in the meantime only a promise; and funds for the expedition had to be raised at once. Gabinius fell back upon the usual sources, and procured supplies of every sort for his troops, as well as ready money, from the princes who had implored his support in their own disputes, and so furnished himself thoroughly for his treasonable task.¹³⁵ It may be that Gabinius had a shrewd suspicion that the

¹²⁸ P. 30, n. 169.

¹²⁹ Cf. Cic. ad Fam. 1.1.1: *senatus religionis calumniam non religione, sed malevolentia et illius regiae largitionis invidia comprobatur*. Also, p. 24, n. 123. Cf. also: Cic. de Div. 2.110 '*hoc si est in libris . . .*'; and Suet. Aug. 31.

¹³⁰ Justin Martyr, Apol. 1.44.

¹³¹ Dio Cass. 39.15: *ἔδεισε μὴ συγκρυφείη, καὶ ἔς τε τὸν ὄμιλον τοὺς ἱερέας ἐσήγαγε, κἀνταῦθα, πρὶν ὅτι οὖν τὴν γερουσίαν ἐπ' αὐτοῖς χρηματίζειν, ἐξεβιάσατό σφας ἐκλαλῆσαι τὸ λόγιον. ὅσῳ γάρ τοι μᾶλλον οὐκ ἐδόκει σφίσιν ἐξεῖναι τοῦτο, . . . τὸ πλῆθος ἔσχε.*

¹³² Plut. Ant. 3: *καὶ Γαβίνιον δὲ ὄκνος τις εἶχε τοῦ πολέμου, καίπερ ἐξηνδραποδισμένον κομιδῇ τοῖς μυρίοις ταλάντοις.*

¹³³ 39.55.

¹³⁴ Dio Cass. 39.56.4: *ἄλλ' ὅσῳ γὰρ ἐκεκώλυτο ταῦτα, τόσῳ πλείονος αὐτὰ ἀπημπούλησε.*

¹³⁵ Jos. Bell. Iud. 1.8.7: *ὃν (sc. Πτολεμαῖον) . . . κατήγεν εἰς Αἴγυπτον, ἐπιτηδείους εἰς ἅπαντα χρώμενος κατὰ τὴν στρατιὰν Ἑρκανῶ καὶ Ἀντιπάτρῳ. καὶ γὰρ χρήματα καὶ ὄπλα καὶ σῖτον καὶ ἐπικούρους ὁ Ἀντίπατρος προσήγε.*

bulk of the money promised by the king himself would go to 'the men higher up,' and was accordingly on the lookout for opportunities to further his own interests. The story that Dio Cassius¹³⁶ tells of his dealings with Archelaus, though Long¹³⁷ dismisses it with the contemptuous remark that Dio is always ready to believe an ill story of any man, is not at all an incredible one for the time, especially when told of a soldier of fortune like Gabinius. If the story is true it is a fine illustration of Gabinius' shrewdness. The actual amount to be paid by the king had been left to him to decide. He had made the most of the difficulties and dangers into which his deliberate disobedience to the mandates of the government would bring him at Rome in order to secure a high price for the services of his army.¹³⁸ But apparently it had occurred to him that if he could increase the material and local difficulties of the task he would remove from Ptolemy's mind any suspicion that he was paying too dearly for so easy a job, and so might have an excuse for extorting a still larger sum, keeping the surplus for himself. If such was his object he was doomed to disappointment, for all the evidence points to the conclusion that he did not succeed in collecting from the king even the original amount of ten thousand talents,¹³⁹ though he seems to have acquiesced in the cruel methods employed by Ptolemy to raise funds. He was quite unwilling to give up his province to the deputy whom Crassus sent to take it over,¹⁴⁰ and when he did quit Egypt he left Rabirius as Minister of Finance and Controller of the Revenues of the kingdom.¹⁴¹ The troops he left behind were no doubt intended quite as much to support the financial measures of Rabirius as to secure the safety of the king. Both these efforts proved abortive. The troops were insufficient; Rabirius was forced to fly the country; the debt was not fully paid.¹⁴²

¹³⁶ 39.57.2 f.

¹³⁷ *Decline of the Roman Republic*, iv. 185.

¹³⁸ P. 25, n. 134.

¹³⁹ Gabinius was not alone in experiencing difficulty in getting Ptolemy to make good his promises. Cf. Cic. ad Fam.7.17.1: *nec tibi in mentem veniebat eos ipsos qui cum syngraphis venissent Alexandream, nummum adhuc nullum auferre potuisse.*

¹⁴⁰ Dio Cass. 39.60.4.

¹⁴¹ Cic. pro Rab. Post. 28.

¹⁴² Ferrero, *Julius Caesar* (Eng. tr. p. 59 n.), declares that the debt owing to Caesar from Ptolemy's heirs could be none other than part of Caesar's share of the ten thousand talents.

The question of the division of the plunder remains for consideration. It is true that Dio Cassius, while making Pompey jointly responsible with Gabinus for the king's restoration, separates their motives and ascribes Pompey's conduct to friendship for Ptolemy and that of Gabinus to avarice.¹⁴³ But Dio's interpretation of the facts is open to grave doubts. Pompey had been exceedingly anxious to secure Egypt as a field of operation, quite as anxious indeed as Caesar and Crassus had been, jointly and severally, to prevent his doing so. When Ptolemy came to Rome, Pompey brought him as a guest to his own house. The king's bribery and intrigue were notorious,¹⁴⁴ and we can hardly suppose that his host was ignorant of his activities or the object at which they aimed. The king's agents openly expressed their desire that Pompey should restore him to his throne,¹⁴⁵ and money was freely spent to prevent any one else being chosen.¹⁴⁶ When the religious difficulty was trumped up by the senate Pompey was willing to brave that body's displeasure; and it required the continuous and earnest entreaties, and almost threats, of Cicero and his supporters to prevent his doing so.¹⁴⁷ Pompey himself professed to favor the claims of Lentulus, and though Cicero on this occasion as on so many others succumbed to the peculiar spell which Pompey always exerted over him, yet when away from him he felt extremely puzzled to explain the inconsistency between Pompey's professions and the conduct of Pompey's friends. In a letter to Lentulus he gives Pompey the benefit of the doubt and acquits him of entertaining such ambitions.¹⁴⁸ But we can see in the still franker letter written two days later to his brother Quintus that his confidence in Pompey's disinterestedness has been shaken.¹⁴⁹

There can be no reasonable doubt that up to this time Pompey's main object in desiring Egypt was a political and military one. He wanted to rehabilitate himself by a great command and so offset

¹⁴³ 39.55.

¹⁴⁴ Cic. ad Fam. 1.1.1: *Hammonius, regis legatus, aperte pecunia nos oppugnat, and illius regiae largitionis invidia.*

¹⁴⁵ Cic. ad Fam. 1.1.1: *regis causa si qui sunt qui velint, qui pauci sunt, omnes rem ad Pompeium deferri volunt.*

¹⁴⁶ Cic. ad Quint. frat. 2.2.3: *in ea re Pompeius quid velit non dispicio; familiares eius quid cupiant omnes vident. Creditores vero regis aperte pecunias suppeditant contra Lentulum.*

¹⁴⁷ Cic. ad Fam. 1.1.2.

¹⁴⁸ ad Fam. 1.2.3.

¹⁴⁹ Cf. n. 146.

the growing fame and power of Caesar, secure himself from the jealousy of Crassus, and gain a strong military base in case the rivalries of the time should kindle the flame of civil war. But when the coalition of the three great leaders was cemented at Lucca this motive ceased to operate for the time. Nevertheless we find him as much interested in the Egyptian question as ever, though not quite in the same way. It was he who sent the instructions to Gabinus, and it was he who displayed the keenest possible interest in his trial for treason and made the most astounding efforts to secure his acquittal.¹⁵⁰ Though Gabinus' return to Rome had been marked by a fierce outburst of popular indignation against him and a furious attack by Cicero, the partisans of Caesar and Pompey gave him willing aid. Pompey busied himself in soliciting the jurors in his behalf.¹⁵¹ He went even further. A rumor that Pompey meant to resign his *imperium* and assume the dictatorship,¹⁵² a rumor quite consistent with his violent conduct toward the trial,¹⁵³ had caused grave apprehensions among Gabinus' enemies and heartened the accused to make head against them. Counting on the spell he exercised over Cicero, Pompey brought pressure to bear upon the orator to defend the accused, whereas Cicero in his hatred of Gabinus was fairly aching to be his accuser¹⁵⁴ and was planning to pillory him in his great poem, *De Temporibus Suis*, as one who had sold his army.¹⁵⁵ Indeed Cicero had to bear considerable criticism for having failed in what was considered to be his manifest duty.¹⁵⁶ His real reason for not undertaking the prosecution was, as he himself acknowledged, the fear of Pompey's wrath and reprisals.¹⁵⁷ Notwithstanding Cicero's blustering assurance to his brother that Pompey's persuasion would accomplish nothing,¹⁵⁸ it did accomplish something. On his second trial, for extortion, Gabinus was defended by Cicero.¹⁵⁹

¹⁵⁰ Dio Cass. 39.55. Cf. n. 153.

¹⁵¹ Cic. ad Quint. frat. 3.3.3.

¹⁵² Cic. ad Quint. frat. 3.4.1.

¹⁵³ Cicero grimly remarks that if he had prosecuted Gabinus as many wished him to do, Pompey would likely have bitten his ear off: *auriculam fortasse mordicus abstulisset* (ad Quint. frat. 3.4.2).

¹⁵⁴ Cic. ad Quint. frat. 3.2.2.

¹⁵⁵ Cic. ad Quint. frat. 3.1.24.

¹⁵⁶ Cic. ad Quint. frat. 3.4.1: *aiunt non nulli ut Sallustius me oportuisse accusare.*

¹⁵⁷ Cic. ad Quint. frat. 3.4.2.

¹⁵⁸ Cic. ad Quint. frat. 3.1.15.

¹⁵⁹ Cic. pro Rab. Post. 19.

On the occasion of this second trial Pompey even went to the length of summoning the people to an assembly outside the *pomerium*,¹⁶⁰ to harangue them in Gabinius' behalf and to read them a letter purporting to come from the king with the assurance that no money had been given to Gabinius save for military purposes.¹⁶¹ Such a letter may quite easily have been procured, for it was not difficult to get evidence of this kind in Roman trials. But we are not bound to believe the statement of the letter. It can hardly be regarded as true when all the circumstances are taken into account, particularly the fact that Gabinius was well furnished with money and supplies for the campaign by Hyrcanus and Antipater.¹⁶² All these efforts of Pompey to save Gabinius were in vain. He was found guilty and sent into exile.

What is the explanation of this feverish interest and activity so unlike Pompey's usual dilatory behavior? The political and military motives that had inspired his interest in Egypt at an earlier period existed no longer either for him or for his former rivals.¹⁶³ The coalition had rendered these nugatory for all three. Yet some motive there must have been. The most reasonable hypothesis is that Gabinius had acted under the orders and in the interest of the Triumvirate and that they were bound to protect him so far as they could. Pompey's continued presence in the capital made him the active representative of the coalition; it was their common interest that he championed. It would be inconceivable in itself that such ardent efforts should have been made in so desperate and unpopular a cause, if Gabinius had not been the agent of the Triumvirate in what he had done, and if they were not the recipients of the bribe that had been promised him. We may dismiss therefore Cicero's protestations of a later date that Gabinius had acted entirely on his own

¹⁶⁰ Dio Cass. 39.63.4.

¹⁶¹ Cic. pro Rab. Post. 34: *recitabatur identidem Pompei testimonium: regem ad se scripsisse nullam pecuniam Gabinio nisi in rem militarem datam.*

¹⁶² P. 25, n. 135.

¹⁶³ Suet. Jul. 11. Ferrero (Julius Caesar, Eng. tr. p. 371) rejects Suetonius' account of Caesar's efforts to secure a command in Egypt in 66 B.C. when Ptolemaeus Alexandrus was driven out of the kingdom. He prefers Plutarch's version (Crass. 13) that it was Crassus who desired the command. His argument that Caesar could not have entertained such ambitions at that time is not convincing. Caesar's ambitions knew no bounds from the beginning. He had no mind at any time in his career to play a subordinate part if the opportunity was afforded to leading one.

responsibility and that whether his object was money or glory he sought it for himself alone.¹⁶⁴ The great orator was not at all above making an attempt to throw dust in the jury's eyes, as he himself elsewhere acknowledged.¹⁶⁵ The truth emerges in a much more significant remark in the Second Philippic that Antony knew there was no risk of being called to account for any thing he did in concert with Gabinius.¹⁶⁶ This can only mean that the latter had been given a free hand and been promised protection by the triumvirs.

This view finds strong support in Dio's statement that Crassus received a share of the plunder at once.¹⁶⁷ From the difficulties experienced by Gabinius in collecting the promised reward we may infer that the shares of Caesar and Pompey had not at that time been fully paid. This inference is confirmed by the fact that Caesar made claim later on to certain sums as owed to him by the heirs of Ptolemy Auletes.¹⁶⁸ It is nowhere directly asserted that part of the ten thousand talents came into Pompey's hands. But he had shared with Caesar the six thousand talents that had been extorted previously from the same king,¹⁶⁹ and his devotion to the defence of Gabinius lends all but certainty to the hypothesis that part of this enormous bribe was destined for him. Gabinius had acted throughout as the tool of the Triumvirate. From them, through Pompey, he received instructions to restore the king; with them he divided such part of the monies as he was able to collect either in person or through the agency of Rabirius, an agency backed up by the military force he had left behind in Egypt; by them he was defended in the storm of hate that fell upon him¹⁷⁰ from men, who, though powerless to oppose Caesar and Pompey, were yet bold enough to attack their humbler instrument; and even when their strength could not save him from

¹⁶⁴ Cic. pro Rab. Post 21: *Gabinius illud, quoquo consilio fecit, fecit certe suo: quaecumque mens illa fuit, Gabini fuit. Sive ille, ut ipse dicebat, gloriam, sive, ut tu vis, pecuniam quaesivit, sibi . . . quaesivit.*

¹⁶⁵ Quint. Inst. 2.17.21: *se tenebras offudisse iudicibus in causa Cluenti gloriatus est.*

¹⁶⁶ 48: *inde iter ad Alexandream contra senatus auctoritatem, contra rem publicam et religiones; sed habebat ducem Gabinium, quicum quidvis rectissime facere posset.*

¹⁶⁷ 39.60.1.

¹⁶⁸ P. 26, n. 142.

¹⁶⁹ Suet. Jul. 54: *societates ac regna pretio dedit, ut qui uni Ptolemaeo prope sex milia talentorum suo Pompeique nomine abstulerit.* Cf. Dio Cass. 39.12.1.

¹⁷⁰ Cic. ad Quint frat. 3.1.24.

condemnation, it was by one of them that he was restored from exile and given a place of honor on his return.¹⁷¹

EXCURSUS: SALE OF EXEMPTIONS AND FURLONGHS

The sale of these exemptions had become so regular that both privates and officers regarded them as an integral part of the conditions of service. The extent of the evil may be gathered from the fact that a fourth part of a company might be granted such exemption at the same time. The men wandered about the countryside or lounged about the camp, idlers and breeders of mischief if nothing worse.¹⁷² Payments for the furlough were not made according to any fixed scale but were regulated by the principle of 'all that the traffic would bear.' Any soldier known to be possessed of money became the especial object of imposition and persecution at the hands of his centurion, until his desperation drove him to purchase relief from an intolerable situation.¹⁷³ This process was repeated till his purse was empty and the relief its contents had purchased had habituated him to idleness and broken his morale.¹⁷⁴ The soldier without funds was in a still worse plight, for, compelled as he was to pay this annual tribute,¹⁷⁵ and having no means of his own, he was forced to raise the money by illicit or undignified methods. The bolder spirits had recourse to highway robbery or sneak-thieving; the others undertook menial tasks.¹⁷⁶ The effect of these things was to make them lawless and mutinous or else completely to break their spirits by placing them on a level with slaves.¹⁷⁷ In either case the entire demoralization of the service was involved.

The men in the ranks had not always put up with such harsh and unjust treatment in silence. From time to time they complained most bitterly. One such occasion had led to the examination of the officers themselves by Germanicus in the presence of the troops. But the dismissal from the service of those who in a particular army had shown cruelty and avarice beyond the ordinary¹⁷⁸ was only a local

¹⁷¹ Dio Cass. 39.63.5. Cic. ad Att. 10.8.3.

¹⁷² Tac. Hist. 1.46: *quarta pars manipuli sparsa per commeatus aut in ipsis castris vaga, dum mercedem centurioni exolveret.*

¹⁷³ Tac. Hist. 1.46: *tum locupletissimus quisque miles labore ac saevitia fatigari donec vacationem emeret.*

¹⁷⁴ Tac. Hist. 1.46: *ubi sumptibus exhaustus socordia insuper elanguerat, inops pro locuplete et iners pro strenuo in manipulum redibat.*

¹⁷⁵ Tac. Hist. 1.46: *namque gregarius miles ut tributum annuum pendebat.*

¹⁷⁶ Tac. Hist. 1.46: *per latrocinia et raptus aut servilibus ministeriis militare otium redimebant.*

¹⁷⁷ Tac. Hist. 1.46: *alius atque alius eadem egestate ac licentia corrupti, ad seditiones et discordias et ad extremum bella civilia ruebant.*

¹⁷⁸ Tac. Ann. 1.44: *si tribuni, si legio industriam innocentiamque adprobaverant, retinebat ordinem: ubi avaritiam aut crudelitatem consensu obiectavissent, solvebatur militia.*

and temporary remedy. What was needed was the destruction of the system, root and branch. The insistent demand that was presented to Otho on the critical occasion which Tacitus has described so fully justified more heroic surgery even than that of Germanicus. We are quite prepared for Tacitus' statement that the wiping out of this pernicious system of graft was an unmixed blessing. Yet even in the remedy employed we can see how immense the evil had become. On the one hand Otho did not dare to alienate the centurions by depriving them of their time-honored perquisite.¹⁷⁹ On the other hand he knew that the war-chest could not support the increased expenditure involved in the compensation to the centurions. He resolved therefore to meet the outlay from his own purse. This promise was implemented by his successor, Vitellius, and the reform became a permanent one.¹⁸⁰

¹⁷⁹ On its value, see Sandys, *Companion to Latin Studies*, sec. 752.

¹⁸⁰ Tac. Hist. 1.46.

CHAPTER II

THE NAVY

1

The Romans had never taken kindly to naval warfare.¹ The great strife with Carthage had forced them to become a maritime power for the time being; they had accepted the inevitable, and with their usual practical wisdom and indomitable courage had turned the necessity to their advantage. But so soon as the defeat of their great commercial rival diminished the necessity for the maintenance of a fleet, they were glad enough to leave that arm of the service in comparative neglect.² No special officers were appointed for it, and the burden was shifted almost completely to the provincials, who indeed, as the name applied to the sailors of the fleet (*socii navales*) shows, had furnished the crews of the Roman war-galleys from the very beginning of the city's naval activity. One would have thought that the advantage of having a strong navy to police the seas would have appealed strongly to the government. But on the contrary, whether from incompetence or neglect, there was allowed to develop an organized system of piracy that preyed upon the commerce of the world, endangered the lives of Roman citizens, menaced the shores of Italy and even the capital itself, and finally threatened the stability of Roman power in the Mediterranean world.³ Faulty, however, as their naval policy, or the lack of one, was in substituting for an imperial fleet local squadrons built, equipped and manned by the allies, and commanded for the most part⁴ by provincial governors who had no expert knowledge or training adequate to such a task, nevertheless the evils and dangers of this piracy might have been held in check, if not wholly repressed, had the service not been corrupted by the same pernicious influences as obtained in the army.

¹ Mommsen, *History of Rome*, ii., p. 200; F. W. Clark, *The Influence of Sea-Power on the History of the Roman Republic*, p. 70.¹

² Mommsen, *op. cit.*, iv., p. 169.

³ Cic. de imp. Cn. Pomp. 31-33; App. Mith. 93.

⁴ Such commands as were entrusted to M. Antonius Creticus or to Pompey were quite exceptional. The operations of the former were certainly not such as to inspire any confidence (Cic. in Verr. 2.3.213); and it is well known what bitter opposition there was to Pompey's extended powers (Cic. de imp. Cn. Pomp. 56, 59, 63 f.).

Though, for obvious reasons, the evidence is more meagre for the navy, it is probable that graft and corruption flourished there to an even greater extent, for, with captains and crews drawn from the allies, the Roman admiral enjoyed greater opportunities for concealing irregularities of administration. In spite of the failure of Roman arms in the earlier campaigns against Sertorius, against Spartacus, against Mithridates, nothing happened on land, with the single exception of the massacre of the Roman traders and usurers in Asia,⁵ that was at all comparable with the humiliations which the Roman people were forced to endure from the widespread depredations of the pirates who swarmed over every quarter of the Mediterranean.

Pompey's famous drive which swept the sea clear of these marauders was a proof of what could be done by an efficient admiral who gave his whole attention to the accomplishment of his task. But the lesson was wholly lost upon the government, and the old system with all its defects and dangers and disgraces was allowed to remain undisturbed. Though piracy never fully recovered from the blow that Pompey had dealt it, we find repeated notices of its sporadic activity. Sextus Pompey, who inherited and surpassed his father's naval skill, gathered the remnant of the old fleet together and for years made himself a serious menace to the hegemony of Octavian. Nor was the question of the succession to Caesar's power settled, till once again a strong imperial fleet, built up under an admiral at once thoroughly honest and capable, won successive victories over the remnants of the great republican armada of Pompey and the Egyptian fleet at Actium. Agrippa's success was made possible only by the abandonment of the pernicious system which had led to so much humiliation and disgrace. The marvel is not that the fleets of the later republic were able to accomplish so little but rather that under the circumstances they were able to accomplish so much.

2

The ships for the fleet were provided by the allies and tributaries of Rome. In some instances the vessels were built by the community on which this impost was laid, and were turned over to the governor fully equipped and manned.⁶ This method did not lend itself so easily to illicit gain, but, as we shall see,⁷ it could be made under

⁵ Cic. de imp. Cn. Pomp. 7.

⁶ P. 38, n. 35.

⁷ Pp. 38-41.

skilful manipulation to produce a very considerable revenue for the governor. In other cases the ships were built and equipped from the proceeds of a special tax imposed on the cities of the province. Cicero points out with great frankness in his defence of Flaccus,⁸ that such action exposed the governor to criticism on three grounds: (a) unauthorised imposition of the tax; (b) unnecessary imposition; and (c) malversation. Further on in the same speech he suggests another opportunity for graft, which we may here add to the rest, (d) unfair distribution of the impost.⁹

Authority for the collection of this ship-money in Asia was found in a *senatus consultum* passed in the year of Cicero's consulship, which was, however, merely a repetition of earlier decrees dealing with the same point.¹⁰ The total amount of the tax was left to the decision of the governor, as was its assessment upon the various communities, so that he was practically given a free hand to raise as much or as little as he deemed necessary or safe.¹¹

The cities of the province complained of Flaccus' exactions. All the circumstances confirm the justice of their complaint. The reckless and indiscriminate abuse that Cicero showers upon the Greeks for daring to prefer serious charges against a noble Roman would, in itself, raise a suspicion that he had a bad case. Indeed he makes no serious attempt to answer the charges in any other way. Instead, he tries to draw a herring across the trail by diverting the attention of the jury,¹² already amused no doubt by the caustic sallies of wit in which he was so adept, from the real question before the court to the subject of the Catilinarian conspiracy and the help which

⁸ 27: *Classis nomine pecuniam civitatibus imperatam queruntur: quod nos factum, iudices, confitemur. Sed si hoc crimen est, aut in eo est, quod non licuerit imperare, aut in eo, quod non opus fuerit navibus, aut in eo, quod nulla, hoc praetore, classis navigarit.*

⁹ 32 (p. 38, n. 27).

¹⁰ Cic. pro Flacc. 27, with DuMesnil's note *ad loc.* The statement in Arnold's *Roman Provincial Administration*³, p. 201, is not quite exact.

¹¹ Cic. pro Flacc. 32: *dimidium eius quo Pompeius erat usus imperavit; num potuit parcius? discripsit autem pecuniam ad Pompei rationem; quae fuit accommodata L. Sullae discriptioni. Qui cum in omnes Asiae civitates pro portione pecuniam discripsisset, illam rationem in imperando sumptu et Pompeius et Flaccus secutus est. Neque est adhuc tamen ea summa completa.*

¹² Macrobius, Sat. 2.1. It is interesting to note that these were precisely the two tricks of his trade which Cicero had used—and with equal success—in his defence of L. Murena: he had amused the jury by his witty thrusts at the legal profession, and had appealed to them on patriotic grounds.

Flaccus rendered him in that memorable crisis. On this theme the orator's eloquence knew no bounds on any occasion; and now the rumblings of the gathering storm that was so soon to burst upon his head lent him the greater earnestness. He contented himself with maintaining that the demands of Flaccus upon the cities were not excessive, inasmuch as he had exacted only half the sum that Pompey had required. But this specious plea¹³ will not bear examination. Pompey was given authority under the Gabinian law to bring the strength of the fleet up to five hundred vessels,¹⁴ which would have involved an increase of about two hundred and thirty ships.¹⁵ But while doubtless some few additions were made,¹⁶ the total strength of his fleet was, in all probability, not more than three hundred vessels, of which approximately two hundred were ships of the line.¹⁷ This force had proved itself entirely adequate. But the task was now accomplished; the seas were practically swept clear of the marauders.¹⁸ Pompey had suffered no reverses; there were no losses in the Roman fleet to be made good. It must be remembered also that at that time there was no such constant advance in the art of shipbuilding as, in modern times, renders the finest products of the navy-yards out of date in little more than a decade. Types did not change; the ships were serviceable for many years.¹⁹ We are not to suppose therefore either that any additions to the fleet were necessary, now that it was practically on a peace footing, or that the random instances of freebooting that did occur required its maintenance at full strength.²⁰ This conclusion is supported by the fact

¹³ P. 35, n. 11. The plea was all the more specious because Cicero's encomiums on the moderation and justice of Pompey's dealings with the provincials, which had been one of the main topics for his speech on the Manilian law, would be a matter of common knowledge with his hearers. Cicero craftily suggested that a man who had limited himself to one-half of Pompey's demands must *ipso facto* be a paragon of virtue: *num potuit parcus?*

¹⁴ Plut. Pomp. 26.

¹⁵ App. Mith. 94.

¹⁶ Kromayer, *Die Entwicklung der römischen Flotte* (*Philologus* lvi., p. 432).

¹⁷ Plut. Pomp. 25.

¹⁸ Cic. pro Flacc. 30 f.

¹⁹ Kromayer, *loc. cit.* p. 432, and n. 17.

²⁰ Cicero tells us, it is true, that in 62 B.C. the sum of 4,300,000 HS was taken from the treasury for the fleets that patrolled the coasts of Italy, and that a further sum was taken the next year (pro Flacc. 30). Part of these sums may have found their way into private hands (p. 49, n. 105); but even if these were *bona fide* expenditures and made too at Pompey's suggestion, there is no proof of

that Q. Cicero, who succeeded Flaccus in the government of Asia, did not raise a ship-tax at all.²¹ Nor could it be argued either that this was rather a point in Flaccus' favor tending to prove that the sums levied were really devoted to the fleet, with the result that his successor found it in such excellent condition that there was no need of adding to its strength. Flaccus' counsel would certainly have produced proof of that had he been able to do so. He takes refuge on the contrary in the vaguest of assertions, to the effect that two squadrons did actually patrol the coasts of Asia Minor. The only thing that could have established the innocence of his client would have been a proven statement showing the sums received from each city through this tax and the number of ships maintained in actual service. Such a statement Cicero carefully forbears to make. Moreover he is forced to admit that Flaccus turned in no accounts for these sums. His attempt to defend his client's conduct²² is sheer bluffing, and he must have had his tongue in his cheek when he made it. There can be no question but that Flaccus was guilty on two of the three counts of the indictment which Cicero mentions: he had exacted ship-money far in excess²³ of what was required in the premises; and his fleet turned out to be a 'paper-fleet,' after all.²⁴ He had simply pocketed the money. Macrobius is perfectly right in speaking of his guilt as self-evident.²⁵ Flaccus' attempt to bribe some of his prosecutors was an acknowledgment on his part of the truth of at least some of the charges brought against him.²⁶

their necessity. Pompey always liked to deal in large figures. The enormous increase in the forces at his disposal for the war with the pirates was made in accord with his wishes (Plut. Pomp. 26), though he had no need of such ample resources, the best proof being that he never raised or used them. There is the widest disparity, too, between his own account of the ships captured and sunk in that war (Plut. Pomp. 45; App. Mith. 117) and the more reliable record of Appian (Mith. 96). See Kromayer, *loc. cit.*, p. 431.

²¹ Cic. pro Flacc. 33.

²² Cic. pro Flacc. 32 f.: *non refert vero. quid lucretur? cum enim onus imperatae pecuniae suscipit, id quod tu crimen esse vis confitetur. qui igitur probari potest in ea pecunia non referenda crimen sibi ipsum facere, in qua crimen esset nullum, si referret?*

²³ Apparently a charge was brought against Piso of excessive exactions on the same account in Macedonia: *mitto numerum navium summamque praedae* (in Pis. 90), but we do not know the details.

²⁴ Cic. pro Flacc. 32: *reliquum est ut quaeratur utrum ista classis cursu et remis an sumptu tantum et litteris navigarit.*

²⁵ P. 35, n. 12.

²⁶ Cic. pro Flacc. 81-83.

The other question, which Cicero himself raises,²⁷ touches the equitable distribution of the tax. The statement is made that Flaccus followed Pompey's assessment which, in turn, was based on that of Sulla²⁸ who imposed a tax of 20,000 talents upon Asia.²⁹ This amount was apportioned to the cities of the province according to their wealth.³⁰ There would be no suspicion therefore of any intentional injustice in Flaccus' levy, were it not for the fact that in seeking to minimize the amount of his exactions, Cicero lets the remark fall that the total amount aimed at was not realized: *neque est adhuc tamen ea summa completa* (32). If this deficiency was distributed *pro rata* like the levy itself, there could be no room for complaint. But in view of the tendency of governors to grant immunities of the sort on one pretense or another,³¹ there is ground for believing that, unjust as the whole levy was, there was further injustice inflicted in the manner of its imposition. This belief gains strength from the fact that Flaccus' failure to turn in any accounts roused suspicion in the minds of the Greeks who preferred the charges.³² It is quite possible that the governor of Asia was as generous to some favored city as Verres was to Messina, or as unjust to other communities as Verres was to Tauromenium.³³

3

Reference has already been made³⁴ to the system pursued in Sicily, where, instead of a money payment to provide ships and their equipment, the actual vessels were requisitioned from the various cities. These ships were handed over equipped, fully manned and officered,³⁵ their captains being appointed in each case by the city that furnished the ship. Further the cities provided for the upkeep of the ships and for the pay and maintenance of the sailors and marines. The captain acted as paymaster and was held to strict account for his disburse-

²⁷ Cic. pro Flacc. 32: *In quo igitur praetoris est diligentia requirenda? in numero navium et in discriptione aequabili sumptus?*

²⁸ P. 35, n. 11.

²⁹ Plut. Sulla 25.

³⁰ Cic. pro Flacc. 32.

³¹ Cic. in Verr. 2.5. 43.

³² P. 37, n. 22.

³³ Cic. in Verr. 2.5.50.

³⁴ P. 34.

³⁵ Cic. in Verr. 2.5.43: *Superiorum praetorum consuetudo cum haec fuisset, ut naves civitatibus certusque numerus naviumque imperaretur, maximae et locupletissimae civitati Mamertinae nihil horum imperavisti.*

ments.³⁶ Under the circumstances he did not dare, even if he were so inclined, to pad his pay-sheets or cut down the food-supply. Any such attempt would easily have been detected and charges laid against him by the crew who were his own townsmen and whose exertions and dangers he shared. The service, managed on these principles, was bound to be at once economical, efficient and honest. For that very reason it incurred the displeasure of Verres, who at once set about altering it, with the purpose of making the fleet, as he had made every other department of his government, contribute its quota to his privy purse.

He gave orders that the sums required for the maintenance of the fleet should be paid over to an officer of his own choosing,³⁷ a shrewd step that at one stroke did away with all the control the cities had hitherto exercised over their contribution and its expenditure. That done, the way was open for graft of various kinds³⁸ which the governor was able to get his hands upon all the more readily because he had appointed a Syracusan, Cleomenes,³⁹ to the command of the

³⁶ Cic. in Verr. 2.5.60: *cognoscite nunc novam praedandi rationem ab hoc primum excogitatam. Sumptum omnem in classem frumento stipendio ceterisque rebus suo quaeque nauarcho civitas semper dare solebat. Is neque ut accusaretur a navitis committere audebat, et civibus suis rationes referre debebat et in illo omni negotio non modo labore, sed etiam periculo suo versabatur.*

³⁷ Cic. in Verr. 2.5.60: *Verres post imperium constitutum primus imperavit ut ea pecunia omnis a civitatibus sibi adnumeraretur, ut is eam pecuniam tractaret quem ipse praefecisset.*

³⁸ Cic. in Verr. 2.5.61: *Deinde alii quaestus instituuntur, ex uno genere navali videte quam multi! accipere a civitatibus pecuniam ne navitas darent, pretio certo missos facere navitas, missorum omne stipendium lucrari, reliquis quod deberet non dare,—haec omnia ex civitatum testimoniis cognoscite.*

³⁹ In 2.5.63 we find the fleet in charge of P. Caesetius the quaestor (2.4.146) and P. Tadius, a *legatus* (2.2.49). In the latter passage Tadius is represented as a man of an entirely different stamp from Verres. The rest of his *legati* had left Verres, presumably in disgust, in the first year of his praetorship: *sodales, viri fortes, legati tui, primo anno te reliquerunt; unus legatus P. Tadius, qui erat reliquus, non ita multum tecum fuit.* Thomas (*ad loc.*) thinks that Tadius was legate in Verres' last year only, but *qui erat reliquus* is decisive against this view. Tadius was not a pliant tool in the governor's hands: *qui si semper una tecum fuisset, tamen summa cura cum tuae, tum multo etiam magis suae famae pepercisset.* His presence became irksome to the governor, who thereupon removed him from his command of the fleet and gave him other employment at a distance. Cleomenes was the officer appointed to receive the sums contributed by the cities and was rewarded for his compliance with Verres' wishes by the appointment as admiral of the Sicilian squadron (2.5.82).

fleet. This action was an unexampled affront not merely to Roman dignity,⁴⁰ but to the loyalty of other states in Sicily.⁴¹

From some cities he took bribes, exempting them from the necessity of equipping vessels and furnishing crews.⁴² In other cases he made the usual requisitions for the pay and maintenance of the regular number of sailors and marines for the whole season of service, and contrived by means of a wholesale issue of discharges to pocket most of the sums so obtained. For these discharges a regular fee of 600 *HS* was charged.⁴³ Even those who remained in the service were cheated of at least part of their pay,⁴⁴ besides being reduced wellnigh to starvation for want of the food for which their cities had paid. We can quite believe Cicero's statement that he had detailed evidence from the cities to support these charges.⁴⁵ This evidence along with the testimony of the captains themselves would have been ample to condemn Verres had he dared to stand trial.

Let us examine some of these charges in detail.

(1) Sale of exemptions

It is possible that when Cicero speaks of Verres taking money from 'cities' he was merely generalizing, as he was prone to do, from the case of Messina.⁴⁶ This state, the largest and wealthiest of the island, showed itself willing to aid and abet Verres in his villainous conduct, and had its reward. It was expressly set down in its treaty with Rome that it was required to furnish a ship for the fleet⁴⁷ and

⁴⁰ Cic. in Verr. 2.5.82: *Itaque excogitat rem singularem; navis, quibus legatus praefuerat, Cleomeni tradit, classi populi Romani Cleomenem Syracusanum praeesse iubet atque imperare.*

⁴¹ Cic. in Verr. 2.5.83 f.

⁴² Cic. in Verr. 2.4.150: (sc. *Mamertinos*) *haec sum rogaturus: navem . . . praebuerintne praetore C. Verre? Negabunt . . . Quid militum aut nautarum per triennium dederint? Nullum datum dicent.*

⁴³ P. 42, n. 57.

⁴⁴ Cic. in Verr. 2.5.61: *missorum omne stipendium lucrari, reliquis quod deberet non dare. . . .*

⁴⁵ Cic. in Verr. 2.5.61 and 133.

⁴⁶ P. 38, n. 35.

⁴⁷ Cic. in Verr. 2.5.50: *qui ex foedere ipso navem vel usque ad Oceanum, si imperassemus, sumptu periculoque suo armatam atque ornatam mittere debuerunt, hi ne in freto ante sua tecta et domos navigarent, ne sua moenia portusque defenderent, pretio abs te ius foederis et imperi condicionem redemerunt.* Cicero expressly says (59) that the stipulation was for a bireme: *illa non populo Romano reddita biremis*; but perhaps this statement should not be taken too literally. Centuripa, a state much inferior in wealth and population to Messina, furnished a quadrireme (86).

thereby also a full crew of sailors and marines.⁴⁸ Yet not a single ship, not a single sailor, not a single soldier did Messana contribute throughout the three years of Verres' praetorship,⁴⁹ though the sorest need arose for every ship and every man the island could furnish⁵⁰ to render it secure from piratical attacks. This was an exceedingly valuable concession, and Cicero rings the changes on the charge that it was corruptly obtained.⁵¹ In addition to the money that they paid for the exemption the Mamertines built for the governor the huge ship in which he was to carry home his enormous plunder. The crime of deliberately lessening the effective fighting-strength of the fleet from corrupt motives, was, as Cicero insists in the gravest language,⁵² treason of the blackest character.

It would have been open to Verres however, if he had stood his trial, to defend himself against the consequences if not against the fact of his treason, by insisting that he had made good the deficiency; even though that defence would have exposed him to another charge of misrule. As the treaty with Messana expressly stipulated that a ship should be provided, so the treaty with Tauromenium specifically exempted that city from any such requirement. Yet Verres had trodden this treaty under foot and had requisitioned a ship from Tauromenium.⁵³

4

(2) Embezzlement of funds exacted for pay and maintenance of the crews

In making his demands upon the cities for the pay and maintenance of their naval contingents we may be sure that Verres assumed that each ship carried her full complement of men. The general practice did not allow any deficiency to exist.⁵⁴ Verres would certainly

Messana's deserts were not such as to make it probable that in its treaty it would receive more favorable treatment than other cities on the island (82-85).

⁴⁸ P. 38, n. 35.

⁴⁹ Cic. in Verr. 2.5.51.

⁵⁰ Cic. in Verr. 2.5.59.

⁵¹ Cic. in Verr. 2.5, sections 43, 50, 51, 59.

⁵² Cic. in Verr. 2.5.50: *Isto igitur tuo . . . pretio atque mercede minuisti maiestatem rei publicae, minuisti auxilia populi Romani, minuisti copias maiorum virtute ac sapientia comparatas, sustulisti ius imperi, condicionem sociorum, memoriam foederis.*

⁵³ Cic. in Verr. 2.5.50.

⁵⁴ Cic. in Verr. 2.5.133: *ea est enim ratio instructarum ornatarumque navium ut non modo plures sed ne singuli quidem possint accedere.*

have no inclination to lessen his own profits by cutting down the pay-roll. He at once⁵⁵ proceeded to encourage the men to quit the service. If the conditions to which the remnant were subjected later on prevailed when the crews were mustered in the spring,⁵⁶ any man who could raise the fee that was demanded for his discharge was doubtless glad to purchase relief from an intolerable situation. Every discharge added to the praetor's gains in two ways: the season's pay and maintenance, collected from the sailor's city, was just so much clear profit,⁵⁷ and the fee of 600 *HS* was collected from the man himself. That these discharges were granted on a wholesale scale is more than probable. Cicero repeats his accusation over and over again in varied terms.⁵⁸ He uses all the picturesque and dramatic resources of his eloquence to drive home the charge that the main responsibility for the shameful defeat of the squadron rested upon the praetor's avarice in cutting down the crews far below effective fighting-strength. The admiral's flagship, he grimly remarks, was a fine *sailing-craft*: but no one in Verres' time knew how fast she could be driven with oars, even though she had lost far fewer men through discharge than any other vessel.⁵⁹ The ships were good enough in themselves; in fact the fleet presented a splendid *appearance*,⁶⁰ but the rowing and fighting strength was not there. In another passage he sets forth with telling emphasis an imaginary cross-examination of Verres. Verres is represented as justifying his imprisonment of one of the captains, his former host Aristeus, on the ground that he was guilty of dismissing his sailors. "But the money paid for those discharges was in *your* pocket," flashes back the swift rejoinder⁶¹

⁵⁵ Cicero distinctly states that those who purchased their discharge were released *for the whole summer* (2.5.62).

⁵⁶ Cic. in Verr. 2.5.131.

⁵⁷ Cic. in Verr. 2.5.62: *civitatibus pro numero militum pecuniarum summas describere, certum pretium, sescenos nummos, nautarum missionis constitueret quos qui dederat commeatum totius aestatis abstulerat, iste, quod eius nautae nomine pro stipendio frumentoque acceperat, lucrabatur. Ita quaestus duplex unius missionis fiebat.*

⁵⁸ in Verr. 2.5.63: *navibus suis semiplenis*; 107: *istius avaritia navibus exinanitis*; 131: *ego navis inanis fuisse dico.*

⁵⁹ Cic. in Verr. 2.5.88.

⁶⁰ Cic. in Verr. 2.5.86: *praeclara classis in speciem, sed inops et infirma propter dimissionem propugnatorum atque remigum.*

⁶¹ Cic. in Verr. 2.5.110: *Catenas habebat hospes tuus, Aristeus. . . . Quid illa? . . . 'Dimiserat nautas.' At ab omnibus tu mercedem missionis acceperas.*

with its application of the Cassian maxim, *cui bono?*⁶² Another cross-examination is immediately staged. "We had not the men," is the plea urged by this second captain. "What! accuse the praetor! To the gallows with you!"⁶³ In the same dramatic vein Cicero records the *ante-mortem* testimony of Furius of Heraclia, one of the condemned captains: "My living voice could have accused him only of avarice: my voice from the grave will proclaim his cruelty also and his guilt."⁶⁴

These are all bits of fine writing, it is true, but they are not merely fine writing. Before his execution Furius wrote out a statement setting forth in detail the original strength of his crew as provided by his city, the numbers discharged and the price paid for each discharge, the number of men on board at the time of the battle; to this was added some account of the other ships. This statement was published broadcast throughout the island.⁶⁵ All this is quite in accord with the popular explanation of the disaster at Syracuse and with the explicit testimony of all the captains who escaped. It is confirmed moreover by Cleomenes' efforts to man his ships from the garrison at Pachynum, which proved however to be as much a 'paper' garrison as the fleet was a 'paper' fleet.⁶⁶ Indeed, Verres' own eagerness to hush up such rumors would be almost enough in itself to prove the truth of these charges. Hearing of the gossip that was rife⁶⁷ in the streets of Syracuse, he summoned the captains to his presence, and persuaded them with threats or promises to make statements to the effect that each ship had its full complement.⁶⁸ These statements were taken down, witnessed and sealed with all due form. Such attempts at concealment of obvious facts are always the darkened

⁶² Cic. pro Sex. Rosc. 84.

⁶³ Cic. in Verr. 2.5.110.

⁶⁴ Cic. in Verr. 2.5.113: *non falso ille . . . iam in morte ipsa praedicavit, non posse Verrem testis interficiendo testimonium extinguere; graviorem apud sapientis iudices se fore ab inferis testem quam si vivus in iudicium produceretur; tum avaritiae solum, si viveret, nunc, cum ita esset necatus, sceleris audaciae crudelitatis testem fore.*

⁶⁵ Cic. in Verr. 2.5.112.

⁶⁶ Cic. in Verr. 2.5. 87 (p. 5, n. 22).

⁶⁷ Cic. in Verr. 2.5.100 f.

⁶⁸ Cic. in Verr. 2.5.102: *Nauarchos ad se vocari iubet; veniunt. Accusat eos quod eius modi de se sermones habuerint; rogat ut in sua quisque dicat navi se tantum habuisse nautarum quantum oportuerit, neque quemquam esse dimissum. Illi enim vero se ostendunt quod vellet esse facturos.*

counsels of despair. There could be no better illustration of the dangerous character of the Roman provincial system which granted unlimited powers to the governor. In this case Verres was at once judge and accuser; moreover his own safety was endangered.⁶⁹ The inevitable result was that four⁷⁰ men were sent to death with every circumstance of dishonor for a misfortune the responsibility for which rested upon the avarice of the judge who condemned them and upon the cuckold weakling⁷¹ whose greed and ambition had made him the governor's pliant tool, and who now in utter shamelessness sat as his assessor on the bench, when he should have occupied the first place in the prisoners' dock.⁷² For his was the only decked vessel in the fight; it was far superior to any of the pirates' ships and might have been a bulwark to the rest of his command; yet it was he, the admiral himself, who set the example of flight.^{72a}

(3) Embezzlement of pay and food allowances

It was quite in keeping with the studied villainy which reduced the strength of his fleet to a nullity that Verres should pursue his avaricious designs with the remnant of sailors and marines left on board the vessels for appearance' sake. Their lot was worse than that of their comrades who had purchased discharge. For the praetor embezzled part, if not all, of their pay,⁷³ and at the same time cut off their food supply, leaving them to satisfy their hunger with the roots of palms which they could forage for themselves.⁷⁴ With spirits in despair at such injustice and with bodies enfeebled by

⁶⁹ Cic. in Verr. 2.5.105.

⁷⁰ There were seven vessels in the squadron (2.5.86). Phylarchus, the captain of the Haluntine ship was captured but was subsequently ransomed from the pirates by his city and appeared as witness at Verres' trial (2.5.90). Anthropinus, captain of the ship of Apollonia, was killed in the fight (2.5.90). Phalacrus, the Centuripan captain, who fled on his vessel with Cleomenes, was saved; he also gave evidence at the trial (2.5.122).

⁷¹ Cic. in Verr. 2.5.82: *Erat Nice, facie eximia, ut praedicatur, uxor Cleomenis Syracusani. Hanc vir amabat, verum tamen huius libidini adversari nec poterat nec audebat, et simul ab isto donis beneficiisque multis devinciebatur.*

⁷² Cic. in Verr. 2.5.101: *Homo certior fit agi nihil in foro et conventu toto die nisi hoc, quaeri ex nauarchis quem ad modum classis sit amissa; illos respondere et docere unum quemque, missione remigum, fame reliquorum, Cleomenis timore et fuga.*

^{72a} Cic. in Verr. 2.5.89.

⁷³ P. 39, n. 38.

⁷⁴ Cic. in Verr. 2.5.87: *nautae coacti fame radices palmarum agrestium . . . colligebant et iis miseri perditique alebantur.*

famine,⁷⁵ it was little wonder that they lacked courage to meet their pirate foe, especially when the quadrireme of their Syracusan admiral had shown them such a clean pair of heels, or that their captains in accounting for the loss of the fleet ascribed it in part to the wretched physical condition of the crews.⁷⁶

Reference has been already made⁷⁷ to the merchantman which the Mamertines built for Verres, as part of the price of their exemption from naval service. It is evidence of the great pressure exerted by the Roman governor's *imperium* that the timber for its construction was requisitioned from Rhegium,⁷⁸ which lay outside his province. The ship was built by state labor, at the public expense, under the superintendence of a local senator expressly appointed for the purpose, and was solemnly handed over by the municipality with all due form.⁷⁹ Cicero records the evidence of his own eyes that it was a noble and well-equipped vessel.⁸⁰ That so direct a violation of the law was staged with a recklessness on Verres' part that seemed to court publicity⁸¹ moves the prosecutor to a cynical outburst. In the times of stern integrity the mere possession of such a ship would have led to the gravest charges, but the defendant's counsel need be under no apprehension that the legal question will be raised of Verres' right to own a ship at all; such laws have long since become a dead letter: *antiquae sunt istae leges et mortuae, quem ad modum tu soles dicere, quae vetant*.⁸² This ship manifestly took the place of the bireme that Messina's treaty with Rome bound her to supply. It only added to the gravity of the scandal that so considerable a piece of

⁷⁵ Cic. in Verr. 2.5.134: *Dico praeterea illos ipsos reliquos nautas fame atque inopia rerum omnium confectos fuisse ac perditos.*

⁷⁶ P. 44, n. 72.

⁷⁷ P. 41.

⁷⁸ Cic. in Verr. 2.5.47.

⁷⁹ Cic. in Verr. 2.5.44 and 47.

⁸⁰ Cic. in Verr. 2.5.44.

⁸¹ The Mamertines themselves however seem to have been somewhat fearful of discovery for they took pains to cover up the disbursements by false entries in the city's books, where they were charged up to 'Public Works' (in Verr. 2.5.48), an account which is still used to cover a multitude of sins. We must hold Verres responsible therefore for the shamelessness which marked the 'deal.'

⁸² Cic. in Verr. 2.5.45. It is in precisely the same spirit that Cicero passes over the charge that Verres, when legate to Dolabella, had extorted money from the magistrate of Sicyon. The practice had become so common that it had almost ceased to be regarded as a crime: *magistratum Sicyonium nummos poposcit. Ne sit hoc crimen in Verrem: fecerunt alii* (2.1.44).

plunder was expressly intended to carry the rest of his plunder home. It was quite fitting too that the city which had served Verres as a treasure-house⁸³ during his term of office should now provide him with the means of transporting to Rome the choicest fruits of his manifold stealings, treasures so dear that he could not bear to let them out of his sight.⁸⁴

5

The only trophy of Verres' naval administration was a pirate vessel that had been too heavily laden with her cargo of plunder to make good her escape. She had been found near Megaris and brought as a prize to Syracuse.⁸⁵ The news of her capture roused Verres from his profligate lethargy. He took complete charge of the disposal of her crew and cargo.⁸⁶ The prisoners whom age or lack of comeliness rendered unserviceable for his purpose were thrown into the *Lautumiae* and brought out in small batches on different days for execution. The rest who were valuable for their beauty or accomplishments he took for himself or distributed among his friends; six of them who were skilled musicians he sent as a gift to a friend in Rome.⁸⁷ All this is credible enough and quite in keeping with Verres' character, but Cicero makes unreasonable demands upon our credulity when he asserts that every Syracusan kept strict count of the number of prisoners executed from day to day, and that Verres, to divert suspicion from his confiscation of the prisoners, substituted other victims, among them even Roman citizens.⁸⁸ On the other hand it is more than probable that he did intend to ransom the captain and his mate, who would naturally command a larger price. At the time of his trial he admitted that he was still holding them in confinement at his house.⁸⁹ It goes without saying that he would

⁸³ Cic. in Verr. 2.5.59: *Mamertini tibi et urbem quo furta undique deportares, et navem in qua exportares praebuerunt; illud tibi oppidum receptaculum praedae fuit, illi homines testes custodesque furtorum, illi tibi et locum furtis et furtorum vehiculum comparaverunt.*

⁸⁴ Cic. in Verr. 2.5.54: *Haec navis onusta praeda Siciliensi, cum ipsa quoque esset ex praeda, simul cum ipse decederet, adpulsa Veliam est cum plurimis rebus, et iis quas iste Romam mittere cum ceteris furtis noluit, quod erant clarissimae maximeque eum delectabant.*

⁸⁵ Cic. in Verr. 2.5.63.

⁸⁶ Cic. in Verr. 2.5.63.

⁸⁷ Cic. in Verr. 2.5.64.

⁸⁸ Cic. in Verr. 2.5.71 f.

⁸⁹ Cic. in Verr. 2.5.73: *dixit se, quod sciret sibi crimini datum iri pecuniam*

have appropriated the ransom just as he appropriated all the rich treasures of the ship.⁹⁰

6

The main interest, for our purpose, of the passage from Cicero's defence of Flaccus already quoted⁹¹ lies not in the arguments Cicero urges in justification of his client's conduct, but in the candid statement of the methods a governor might employ to turn the possibilities of naval graft into actuality. He might impose the ship-tax without authority, or make requisitions, as Verres did on Tauromenium, in defiance of the treaty-rights of the community, while his overmastering power precluded resistance. Or, again, the tax though legally imposed might be an excessive one. Manifestly there was less risk in using this method than in using the former one, for, as Cicero frankly inquires, "who was to be the judge of the necessities of the situation, if not the governor himself?"⁹² We may be sure that this was the favorite method employed. It had the added advantage of saving the pockets of the citizens of Rome and helping thereby to secure to the governor that popularity at home that was necessary to the continuance of his official career. Its use can be illustrated from the careers of Lucullus,⁹³ Murena,⁹⁴ Flaccus,⁹⁵ and Pompey himself.⁹⁶ Or, finally, the tax might be completely embezzled, the only visible evidence of the fleet appearing in the accounts of the administration.⁹⁷

accepisse neque de vero archipirata sumpsisse supplicium, ideo se securi non percussisse; domi esse apud sese archipiratas dixit duos.

⁹⁰ Cic. in Verr. 2.5.73: *omnis vestis ablata, omne aurum et argentum ablatum et aversum*; 80: *hac tanta praeda auctus, mancipiis argento veste locupletatus*. . . .

⁹¹ P. 35, n. 8.

⁹² pro Flacc. 27.

⁹³ Plut. Lucull. 13.4: Λουκούλλω δ' ανεμέσθητος ή προς την σύγκλητον απέβη φιλοτιμία. ψηφισμένης γάρ αυτής προς τον πόλεμον από τρισχιλίων ταλάντων εξαρτῆσθαι ναυτικὸν ἐκώλυσε πέμψας γράμματα καὶ μεγαληγορήσας, ὥς ἄνευ δαπάνης καὶ τοσαύτης παρασκευῆς ταῖς τῶν συμμάχων ναυσὶ Μιθριδάτην ἐκβαλεῖν τῆς θαλάττης.

⁹⁴ Cic. in Verr. 2.1.89: *Decem enim naves iussu L. Murenæ populus Milesius ex pecunia vectigali populo Romano fecerat, sicut pro sua quaeque parte Asiae ceterae civitates*. This force, demanded from a single city, was as large as the entire squadron furnished by the whole of Sicily.

⁹⁵ Pp. 35-37.

⁹⁶ P. 36, n. 20.

⁹⁷ P. 37, n. 24.

7

All these methods however might be more or less plausibly justified or concealed. But there is one case which for utter recklessness is probably unparalleled in the long record of naval graft. Verres, when serving as Dolabella's legate in Asia—'like master, like man'—requested from the Milesians a vessel to escort him to Myndus. They gave him the pick of their fleet.⁹⁸ Arrived at Myndus he dismissed the whole force of sailors and marines, bidding them make their way home on foot; and actually sold the vessel to two Myn-dians.⁹⁹ On returning without his ship the captain was naturally called upon for an explanation. His report was entered upon the records of the city. Dolabella, yielding to his legate's request, made an attempt to punish the captain for revealing what had taken place, and ordered the minute expunged from the records,¹⁰⁰—an example of which Verres made diligent use in his own administration of Sicily.¹⁰¹ This vessel, built as a protection against the pirates, was thus lost to the worst of all pirates, a Roman officer.¹⁰² It was a fitting climax to the whole shameful proceeding that the ship was turned over to a piratical career at once, and that after repeated voyages her purchasers were proclaimed enemies of the Roman people by decree of the senate.¹⁰³

8

There is abundant evidence to justify the direct charge against Verres that the deliberate object aimed at in his naval administration was not provincial defence but personal gain.¹⁰⁴ The detailed account of his conduct and the facts brought to light in the prosecution of Flaccus substantiate Cicero's more general assertion that, with

⁹⁸ Cic. in Verr. 2.1.86.

⁹⁹ Cic. in Verr. 2.1.87: *Milites remigesque Miletum Myndo pedibus reverti iubet: ipse myoparonem pulcherrimum de decem Milesiorum navibus electum L. Magio et L. Fannio, qui Myndi habitabant, vendidit.*

¹⁰⁰ Cic. in Verr. 2.1.88: *An quia tum Cn. Dolabella in eum qui ei myoparoni praefuerat, Milesiisque rem gestam renuntiavit, animadvertere tuo rogatu conatus est, renuntiationemque eius, quae erat in publicas litteras relata illorum legibus, tolli iusserat, idcirco te ex hoc crimine elapsum esse arbitrabare?*

¹⁰¹ Cic. in Verr. 2.1.88.

¹⁰² Cic. in Verr. 2.1.90: *ostendent C. Verrem, in ea classe quae contra piratas aedificata sit, piratam ipsum consceleratum fuisse.*

¹⁰³ Cic. in Verr. 2.1.87.

¹⁰⁴ Cic. in Verr. 2.5.43: *Rem navalem primum ita dico esse administratam, non uti provincia defenderetur, sed uti classis nomine pecunia quaereretur.*

few exceptions, the naval service was used by the governors year after year for their own enrichment.¹⁰⁵ The fleets were allowed to lie idle¹⁰⁶ or, but half equipped, were used merely for official trips¹⁰⁷ or on perfunctory cruises up and down the coasts,¹⁰⁸ while the funds exacted for their active maintenance were quietly absorbed by the praetors. For years every brush with the enemy meant defeat to Roman arms and disgrace to the Roman name. Cicero's phrasing is very interesting: *classium nomine*;¹⁰⁹ *classis nomine*;¹¹⁰ *utrum ista classis cursu et remis an sumptu tantum et litteris navigarit*;¹¹¹ *nomine classis . . . in Sicilia, re quidem vera naves inanes*.¹¹² What is the full significance of these phrases? On the face of them they suggest merely the old contrast between λόγος and ἔργον, between theory and fact. But does not the language employed also convey the suggestion that they were fleets for ledger purposes only, that they existed merely in the personal accounts, the *nomina*, of the praetor, and were regarded by him as a regular source of income? Such fleets, as Cicero's sarcastic jingle indicates, were 'a prey to the praetor, but they did not make the pirates pray for mercy': *naves inanes, quae praedam praetori non quae praedonibus metum adferrent*.¹¹³

EXCURSUS

It would be interesting if we could arrive at some estimate of Verres' gains through the practice of these shifty methods. Unfortunately the data are too indefinite to allow a precise calculation, but a tentative estimate may be based upon the following considerations:

1) Ten ships in the Sicilian squadron were affected¹¹⁴ of which one was a quadrireme.¹¹⁵ This vessel was quite evidently the lar-

¹⁰⁵ de imp. Cn. Pomp. 67: *videbat enim praetores locupletari quotannis pecunia publica praeter paucos, neque eos quicquam aliud adsequi classium nomine, nisi ut detrimentis accipiendis maiore adfieri turpitudine videremur*.

¹⁰⁶ Cf. Kromayer (*op. cit.*, p. 432, n. 17). This was evidently what Q. Cicero proposed to do with the fleet during his tenure of Asia provided that no emergency arose. In his case the non-imposition of the ship-tax clears him of corrupt intent. But he was the first governor of Asia who had not imposed it: cf. Cic. pro Flacc. 33.

¹⁰⁷ Cic. in Verr. 2.5.45.

¹⁰⁸ Cic. pro Flacc. 32.

¹⁰⁹ de imp. Cn. Pomp. 67.

¹¹⁰ in Verr. 2.5.43; pro Flacc. 27.

¹¹¹ pro Flacc. 32.

¹¹² in Verr. 2.5.63.

¹¹³ in Verr. 2.5.63.

¹¹⁴ 2.5.63.

¹¹⁵ 2.5.88.

gest,¹¹⁶ so that we should not be justified in regarding the others as larger than biremes.

2) According to the calculations of Graser¹¹⁷ and Kromayer¹¹⁸ a quadrireme had about 300 men, officers and crew, besides 100 marines, a total of 400 men; while a bireme had about 150, together with 50 marines, a total strength of 200 men.

3) The quadrireme, which was the admiral's flagship, had not suffered such heavy losses of its crew as had the other ships.¹¹⁹ If we assume that it lost one-third of its complement, and the other ships one-half, we shall probably be within the mark. Cicero insists very vigorously on the wholesale issuance of discharges.¹²⁰ The ease with which Verres could reap the fruits of this particular method of dishonesty must have encouraged him to develop it to the utmost limit of safety. This estimate would give a total of 1033 men discharged.

4) The regular fee for the discharge being 600 HS, the gross revenue from this source would be, in round numbers, 620,000 HS, approximately \$31,000.

5) I have not been able to discover any record of the pay of the crews. Polybius¹²¹ gives the pay of the legionary as 2 obols a day and his food-allowance as two-thirds of an Attic *medimnus* of wheat a month, an amount equal to 4 Roman *modii*. Service in the navy was not so highly esteemed as service in the army; and the allies may have paid their men at less than the Roman scale. But Polybius' calculation of the *daily* wage is probably too low, as being based upon a year's service.¹²² In any case, we know that the pay of the legionary, and thereby, in all probability, the pay of sailors of the fleet, was much higher under the early Empire, than the figure given by Polybius. Such increase would certainly come gradually and not at a bound. It is safe to say, therefore, that if Polybius' figures are used as the average wage of all the discharged, they will not exaggerate the gross amount.

6) Cicero seems to create the impression that these men received their discharge at once.¹²³ But in order to be within the mark let us reckon the average absence from duty at four months. 1033 men at 2 obols a day for 120 days would give, in round numbers, 250,000 obols, approximately \$7,500.

7) 4 *modii* of wheat per month per man for 1033 men for 4 months come to 16,528 *modii*. At $3\frac{1}{2}$ HS a *modius*, the price paid in Sicily at

¹¹⁶ 2.5.89.

¹¹⁷ De Veterum Re Navali, section 48 f.

¹¹⁸ *Op. cit.*, Anhang II.

¹¹⁹ 2.5.88.

¹²⁰ Pp. 41-44.

¹²¹ 6.39.

¹²² Bouché-Leclercq, Manuel des Institutions Romaines, p. 286.

¹²³ 2.5.62 (p. 42 and n. 55).

the time for *frumentum imperatum*,¹²⁴ this would amount to 57,848 HS, approximately \$2,900.

On a conservative estimate, therefore, the gains of Verres from these three sources, discharges, pay, and rations, would come to more than \$41,000 in one year. And there would still remain to be added to this amount the sums realized from cutting down the rations of the remnant of the crews.¹²⁵

¹²⁴ 2.3.163.

¹²⁵ P. 44 f.

CHAPTER III

CLIENT PRINCES

1

A brief reference has been made earlier in this study¹ to the extension of Rome's foreign relations. It was inevitable that with the expansion of her power her influence upon the fortunes of the border kingdoms should be increasingly felt. As one country after another was forced to yield to her sovereignty the princes whose dominions lay as yet beyond her control though within her sphere of influence made haste to secure her alliance and friendship. They were quick to recognize the surest method of maintaining at least an appearance of autonomy for their kingdoms as well as their own kingship. The record of Roman expansion after the Second Punic war shows how ready the border kingdoms were to exalt the power of Rome even at the expense of some sacrifice of their freedom of action. Nor was the Roman government slow to appreciate the advantages of such a situation. The foreign policy of Rome was thus frequently executed by willing servitors, while the provinces were protected by buffer states.² The ability of the government to administer its conquests had not kept pace with the enlargement of territory, and it became therefore a principle of policy to leave these buffer states largely independent so far as their internal administration was concerned, and to insist only on reviewing and controlling their foreign relations.

This policy was always conceived, it may be imagined, in terms of Rome's own interests,³ and sometimes with brutal disregard of former obligations and conventions. Ariovistus quite candidly

¹ P. 22.

² Cf. Hirtius' statement of Caesar's establishment of the kingdom of Bosphorus: *de bell. Alex.* 78.

³ Cf. Caesar's statement to Ariovistus: *Caesar . . . sua senatusque in eum beneficia commemoravit: quod rex appellatus est a senatu, quod amicus, quod munera amplissime missa: quam rem et paucis contigisse, et pro magnis hominum officiis consuesse tribui docebat* (*de bell. Gall.* 1. 43). The reply of the Roman envoys to Mithridates' request to be allowed to repel Nicomedes' aggression was equally frank: *οὐ γὰρ ἡγοῦμεθα Ῥωμαίους συμφέρον βλάπτεσθαι Νικομήδῃ.* (*App. Mith.* 14). But they would not suffer any further discussion of the matter.

pointed this out,⁴ as Mithridates had done at an earlier date. Nicomedes of Bithynia was forced by the Roman embassy headed by M'. Aquilius to make unprovoked attacks upon Mithridates, with whom it suited the Roman purpose at the time to become embroiled; and Nicomedes, for personal as well as for public reasons, was forced to comply with their wishes and pull the Roman chestnuts out of the fire.⁵

Annexation was seldom resorted to, though for a time that policy was favored by a section of the democratic party. Such a movement always met with stern opposition from the senate.⁶ There is no evidence that the testaments by which Pergamum, Cyrene, and Bithynia passed into the hands of Rome were forced.⁷ The annexation of Cyprus, for which Clodius was responsible, met with vehement opposition at the time⁸ and with complete disapproval subsequently. This case shows some peculiar features which will be considered later.⁹ But it may be pointed out here that at the time the rumor of the Egyptian bequest was in circulation, the senate contented itself with seizing the royal treasures at Tyre, and took no steps to annex the kingdom.¹⁰ The kingship was accordingly maintained as the normal form of government in these allied and friendly states.

The character of ancient kingship made it easy for Rome to interfere. The kings were absolute; the idea that the consent of the governed was necessary to the exercise of their power had never dawned upon them. The office was not necessarily hereditary, but obviously every king would try to continue his dynasty.¹¹ The royal power was rather an adjunct to the inheritance of the landed domain.

⁴ Caes. de bell. Gall. 1.44: *amicitiam populi Romani sibi ornamento et praesidio, non detrimento, esse oportere; idque se ea spe petisse.*

⁵ App., Mith. 11-14. He had promised large sums to the generals and ambassadors who had restored him to his throne, and when pressed for payment did not dare withstand their instructions. See p. 94.

⁶ Cic. Frag. A. xv. 7 (de reg. Alex.): *non patiar hanc exaudiri vocem huius imperi: ego te, nisi das aliquid, hostem, si quid dederis, regem et socium et amicum iudicabo.* de leg. ag. 2.41: *non oportere populum Romanum omnium regnorum appetentem videri.*

⁷ Sands, *The Client Princes of the Roman Empire under the Republic*, p. 147.

⁸ Cic. pro Sest. 63: *illa in republica macula regni publicati . . . quam nemo iam posset eluere.*

⁹ Pp. 74-76.

¹⁰ Cic. de leg. ag. 2.41.

¹¹ P. 54, n. 14.

The consequence was that the title of each successive claimant to the throne was precarious, and it became a matter of the utmost importance to have it established by official recognition from the paramount power. With his subjects, who were ordinarily prepared to acquiesce in any rule that was not too oppressive, such recognition gave the holder of the title a standing which he could not otherwise obtain. At the same time the ambitions of any rival claimant were discouraged, and his chances of successfully disputing the title lessened. As the king's subjects were not reckoned as the source of his power, Rome claimed and was granted the right¹² to interfere in all cases of disputed succession in the border states. She thus became the king-maker and the king-upholder¹³ of the ancient world. The first aim therefore of every new heir to the royal domain was to secure the favor of Rome and her recognition of his title. If Rome transferred her favor to a rival claimant, if she even withheld her favor, the heir's doom was practically sealed. It was commonly felt that recognition of the kingship was a very vital matter, and the bestowal of the title tended to become more and more a personal gift.¹⁴ It no longer, for instance, required confirmation by a treaty.¹⁵ Under the circumstances early and earnest application was made for it. Ariovistus had sought the friendship of the Roman people with the idea that it would be at once an honor and a protection.¹⁶ Cicero deemed it worthy of remark that the senate had addressed Ariobarzanes in the most complimentary terms without any application on his part.¹⁷

¹² Thus Ptolemy Auletes appealed in his will most earnestly to the Roman people to see that its terms regulating the succession should be respected. He also sent a copy of the will to Rome in charge of an embassy to be desposited in the public treasury (Caes. de bell. civ. 3.108).

¹³ Cf. Adherbal's speech before the senate (Sall. Jug. 14.12), a frank acknowledgment by Sallust, if not by Adherbal, that client princes had to pay dearly for protection but that the safety secured was worth the price. Cicero (pro Sext. 57) describes the fancied security of the king of Cyprus: *denique erat rex, si nondum socius, at non hostis; pacatus, quietus, fretus imperio populi Romani regno paterno atque avito regali otio perfruebatur.*

¹⁴ Thus Deiotarus feared that with Caesar's victory his own kingship would be lost (Cic. pro reg. Deiot. 41).

¹⁵ In enumerating the lawless acts of the first triumvirate Cicero charges them with giving away kingdoms and presenting tetrarchs with landed estates: *qui regna, qui praedia tetrarchis, . . . dederunt* (ad Att. 2.9.1). Some of the magistrates also drove a thriving trade in titles (in Vat. 29).

¹⁶ P. 53, n. 4.

¹⁷ P. 65, n. 71. Cicero's inference that such action was considered a great compliment is correct enough. This case will be further discussed, pp. 64-71.

Such compliments were ordinarily bestowed only on those whose services to the republic had been conspicuous or on those who occupied positions of strategic importance and whose support it was of value to secure. This seems to have been the reason why in addition to the titles of king and friend Ariovistus had received honorable gifts at the senate's hands.¹⁸ The threatened invasion of Gaul by the Helvetians made the Romans anxious for strong military support in that quarter.¹⁹ But it did not take Caesar long after his arrival to see that Ariovistus himself was the real danger. Under ordinary circumstances, however, the initiative was taken by the prince himself who desired recognition, and the Roman government maintained throughout the attitude of a proud, though sometimes gracious, benefactor to whom supplication was to be made for favor with all due humility.²⁰ The truth was that these petty sovereigns had to do with Rome whether they would or not; and they managed by one means or another to keep in close touch with the trend of politics there. Ariovistus, to give but one instance, displayed in his haughty rejection of Caesar's demands a surprisingly intimate acquaintance with the details of political intrigue in the capital.²¹

2

Such applications came in the first instance to the senate as the recognized administrator of foreign affairs. Sometimes in the earlier period it had happened that a prince journeyed to Italy and appeared in person before the senate,²² but the usual practice was to send an embassy. So numerous and important did these embassies from client princes and states become that the whole month of February was given up to the business that they brought to the attention of the senate. In some instances the ambassadors either came frequently enough or stayed long enough to take on, in effect, the character of a permanent legation.²³ But in addition to the influence they could exert through personal appeals or through accredited ambassadors

¹⁸ P. 52, n. 3.

¹⁹ Holmes, ad Caes. de bell. Gall. 1.35.2.

²⁰ Cic. pro reg. Deiot. 10: *is rex, quem senatus hoc nomine saepe honorificentissimis decretis appellavisset, quique illum ordinem ab adolescentia gravissimum sanctissimumque duxisset. . . .*

²¹ Caes. de bell. Gall. 1.44.

²² E.g., Eumenes (Polyb. 21.18.4) and Prusias (Livy 45.44).

²³ Cic. pro reg. Deiot. 41.

the kings found supporters, and indeed at times representatives, in the magistrates and leading citizens,²⁴ who played an increasingly important part as the prestige of the senate declined.

A ready means of influencing the senate's decision in its dealings with these princes was developed at an early date. Timarchus who came to Rome in 162 B.C. as Demetrius' ambassador and then suddenly stood forth as his master's rival,²⁵ came well provided with money. With this 'he did much harm to the senate,' the poorer members especially falling victims to his wiles.²⁶ P. Scipio had recognized the existence of this evil. After the fall of Numantia he had taken the youthful Jugurtha aside and advised him to cultivate the friendship of the Roman people by services to the state rather than by trafficking with individuals: bribery was a dangerous road and sometimes ended at a precipice: *monuit ut potius publice quam privatim amicitiam populi Romani coleret neu quibus largiri insuesceret: periculose a paucis emi quod multorum esset. si permanere vellet in suis artibus ultro illi et gloriam et regnum venturum, sin properantius pergeret, suamet ipsum pecunia praecipitem casurum.*²⁷ But many of the nobles who were bent on wealth fired Jugurtha's mind with the ambition to become sole ruler of Numidia: everything at Rome, they told him, had its price. Jugurtha was neither the first nor the last of the kings to discover the truth of that information. But as the senate's *de facto* prerogative of administration gradually yielded under attack to the ascendancy of the magistrates and the leaders of the democracy, it was inevitable that the efforts of the princes should be directed primarily toward securing the support of these new forces in the state in the confidence that their commanding influence would achieve the desired result. Scipio was no doubt perfectly conscientious in warning Jugurtha of the dangers that beset the path of

²⁴ Pp. 57-61.

²⁵ Cf. the case of Herod who came to Rome to request kingship for his brother-in-law Aristobulus, but finally purchased it for himself from Antony. Herod had already obtained his tetrarchy by means of bribery: the kingship was more than he had dared to hope for (Jos. Ant. Iud. 14.386). But Antony was eager to espouse his cause: τὰ μὲν κατὰ μνήμην τῆς Ἀντιπάτρου ξενίας, τὰ δὲ καὶ ὑπὸ χρημάτων ὧν αὐτῷ Ἡρώδης ὑπέσχετο δώσειν εἰ γένοιτο βασιλεὺς καθὼς καὶ πρότερον ὅτε τετραρχῆς ἀπεδέδεκτο . . . πρόθυμος ἦν οἷς Ἡρώδης παρεκάλει συλλαμβάνεσθαι (381 f.). Antony must have opened up financial negotiations at once without any beating around the bush, for Herod was in Rome only a week all told (387).

²⁶ Diod. Sic. xxx-xl, 13.

²⁷ Sall. Jug. 8.2 f.

bribery; yet nothing was more certain than that in the shameless venality that prevailed at Rome any failure on the part of the petitioner to secure the goodwill of the men of influence in the capital was an open gate to ruin. Ptolemy of Cyprus furnishes a lamentable example.²⁸ However much supporters of the old regime like Cicero might bewail the disrespect, and even the contempt, that was shown for the senate in this as in other ways,²⁹ it was completely clear to the parties immediately concerned that the quickest and safest 'short-cut'—Scipio's *sin properantius pergeret*—to recognition of their title and to consequent security lay through such support. It was only the logical culmination of this movement when Caesar neglected even the formality of bringing such cases before the senate at all. Cicero felt more indignation than surprise when he received letters from kings at the ends of the earth thanking him for having made a motion in the senate to grant them royal titles, kings of whose very existence he protested he knew absolutely nothing.³⁰ It was perhaps no mere whim of Caesar's, as Cicero suggests, to attribute such motions to Cicero, but a grim way of reminding the foremost champion of senatorial dignity that the days of the senate's pride and power were gone for ever.

3

The magistrates naturally came in for special attention. The consuls were the traditional guardians of the kings,³¹ and they dis-

²⁸ Pp. 74 ff. Deiotarus on the contrary fully realised this principle and acted upon it: *sed tamen quicquid a bellis populi Romani vacabat, cum hominibus nostris consuetudines amicitias res rationesque iungebat* (Cic. pro rege Deiot. 27). Frugality, Cicero had just remarked with brutal candor, was not a kingly virtue: *frugi hominem dici non multum habet laudis in rege* (26). This sentiment would have commanded universal assent in Rome.

²⁹ Cic. pro Sest. 66.

³⁰ ad Fam. 9.15.4: *atque hoc nolim me iocari putes; nam mihi scito iam a regibus ultimis adlatas esse litteras, quibus mihi gratias agant, quod se mea sententia reges appellaverim, quos ego non modo reges appellatos, sed omnino natos nesciebam.*

³¹ Cic. pro Sest. 64: *in eius magistratus tutela reges atque exterarum nationes semper fuerunt.* It was on the ground of his consulate that Caesar professed to undertake the immediate execution of Ptolemy's will. The fact that Ptolemy had been styled king in a former consulship of Caesar strengthened the latter's claim to decide the succession: *interim controversias regum ad populum Romanum et ad se, quod esset consul, pertinere existimans, atque eo magis officio suo convenire, quod superiore consulatu cum patre Ptolemaeo, et lege et senatus consulto societas erat facta* (de bell. civ. 3.107).

played the keenest interest in all matters affecting them. It can hardly be without significance that the fact is mentioned over and over again that Ariovistus had received his title of king in Caesar's consulship with Caesar's help. Caesar does not scruple to open his negotiations by reminding the king of the kindness that he had done him on that occasion. That Ariovistus' friendship was considered a political advantage by the senate³² does not lessen the probability that Caesar's active support of his plea for recognition was purchased. Ariovistus declares in the words which Caesar puts into his mouth, the genuineness of which there is not the slightest reason to doubt, that he had *sought* the friendship of the Roman people.³³ He had previously, in pursuance of the same purpose, it can hardly be questioned, bestowed gifts on Caesar's predecessor in Gaul, Q. Metellus Celer.³⁴ He had so complete confidence in the method that had already stood him in such good stead that he gravely proposed to bribe Caesar with a handsome amount to allow him a free hand in Gaul: *quod si discessisset et liberam possessionem Galliae sibi tradidisset, magno se illum praemio remuneraturum et quaecumque bella geri vellet, sine ullo eius labore et periculo confecturum*.³⁵ Caesar does not record himself as resenting the insult. All the circumstances point to the conclusion that the unusually favorable treatment that Ariovistus' plea for recognition received may be set down to the effective means of persuasion he had used with the consul.³⁶

Caesar had dealings with other princes in his consulship. Antiochus of Commagene had obtained the title of king and the gift of the *toga praetexta*.³⁷ Cicero on more than one occasion speaks of

³² P. 55.

³³ P. 53, n. 4.

³⁴ Pliny, Hist. Nat. 2.67.170: *Idem Nepos de septentrionali circuitu tradit Quinto Metello Celeri . . . Galliae proconsuli Indos a rege Suevorum dono datos*. It is agreed that Ariovistus is meant. Cf. Hermes, xlii., p. 509 f.

³⁵ Caes. de bell. Gall. 1.44.

³⁶ Caesar recalled to his attention that without his aid he would have had no means of placing his case before the senate. It would appear that Bibulus had as little part in this as in most affairs of that year. Doubtless he had knowledge of what actually took place, with the result that at a later date he was extremely anxious to be entrusted with a similar opportunity, the bestowal of the kingship upon Ariobarzanes, and was filled with chagrin when the commission was given to Cicero (p. 65).

³⁷ The *toga praetexta* was one of the regular gifts accompanying the acknowledgement of the title when the recipient was not of sufficient importance to warrant the bestowal of the *toga picta* (Livy 27, 4, 9).

him with contempt. It would seem that the circumstances under which he obtained his somewhat meagre acknowledgment were notorious³⁸ enough to justify Cicero in heaping open ridicule upon it and bracketing it with a similar case where the senate had refused the same grant to an obscure and petty prince.³⁹ Antiochus was not satisfied either with his standing or with his possessions. He made annual appeal for the renewal of this title, or at any rate for gifts which would be tantamount to its reaffirmation—Cicero merrily suggested that it was to save him the expense of having his old toga cleaned up⁴⁰—and in 54 B.C. petitioned for possession of the stronghold of Zeugma on the Euphrates. The consul Appius⁴¹ was pushing his case and was very much perturbed when Cicero's ready wit blocked his proposals. It is quite clear that corruption was involved. Cicero says that Appius realized that the month of February, the month in which foreign envoys were received by the senate, would be a barren month⁴² if Cicero adhered to a similar policy in all such cases: *De Commageno, quod rem totam discusseram, mirifice mihi et per se et per Pomponium blanditur Appius; videt enim, hoc genere dicendi si utar in ceteris, Februarium sterilem futurum.*⁴³ Appius at once made the most moving appeals to Cicero in person besides bringing pressure to bear on him through Atticus. It is a reasonable hypothesis that Antiochus with shrewd business sense had agreed to pay Appius for his support only in case he secured the recognition which he craved. The sessions of the senate were largely taken up with mutual recrimin-

³⁸ Cf. n. 40.

³⁹ Cic. ad Quint. frat. 2.10.3: *vos autem homines nobiles, qui Bostrenum praetextatum non ferebatis, Commagenum feretis?*

⁴⁰ Cic. ad Quint. frat. 2.10.3: *'Quod vult,' inquam, 'renovari honores eosdem, quo minus togam praelexam quotannis interpolet decernendum nihil censeo.*

⁴¹ Cicero's predecessor in Cilicia, who was practicing on individuals in Rome the same heroic surgery of blood-letting as was to mark his administration of his province in the following year: *Appius, cum ἐξ ἀπαρτήσεως provinciam curavit, sanguinem miserit, quicquid potuit detraxerit, mihi tradiderit enectam, προσανατρεφόμενν eam a me non libenter videt.*

⁴² It is interesting to note that the senate refused to deal with foreign embassies in 57 B.C. till the matter of Cicero's recall should be settled: *nihil sociis, nihil regibus respondistis* (Cic. post. red. 1.6). The general trend of the evidence shows that this action was a very real and touching measure of devotion and self-sacrifice on the part of the senate.

⁴³ Cic. ad Quint. frat. 2.10.2. We know of at least four other embassies that were received during this month: from Tenedos, from Magnesia ad Sipylum, from Tyre, and from the *publicani* of Syria (2.9.2; 2.11.2).

ations and party-strife, and the business that Appius was most interested in—to save the month from the curse of barrenness—was in danger of being shelved. The consul purposed accordingly to have the House meet every day from the *Quirinalia* (Feb. 17) on, even if it involved some wresting of the law. The praetorian elections, already long postponed, might wait over, he thought, till March. He was too much occupied with profitable business to allow any interruption of it if it could be at all avoided. His justification for his attitude is almost pathetic in its simplicity: he had no option, he protested; the law actually forced him to hold daily sessions of the senate throughout the month if any ambassadors were waiting to be heard. '*Etiam cogi*' shows what was uppermost in his mind.⁴⁴

The consul Lentulus was influenced, Caesar tells us—and Caesar's own experience made him the best possible authority on the subject—by the lavish bribes that were open to the consul for securing the coveted title for princely clients from the senate: *Lentulus . . . regum appellandorum largitionibus movetur*.⁴⁵ Just on the eve of the Civil War a motion was made in the senate to style Juba ally and friend.⁴⁶ Probably the same motives were at work on this occasion as on an earlier one when Numidia was exempted from the provisions of the agrarian law of Rullus. At that time the youthful prince Juba had acted as his father's bribery-agent at Rome, and Cicero's caustic tongue reminded his hearers that Juba's purse was as long as his hair.⁴⁷ Juba had strong personal reasons for espousing the cause of Pompey. He was moved by feelings of filial gratitude towards Pompey himself, through whom his father had been restored to his kingdom.⁴⁸ On the other hand he would not easily forget Caesar's personal affront⁴⁹ nor the effort that Curio had made to deprive him

⁴⁴ Cic. ad Quint. frat. 2.11.2 f.: *Actum est eo die nihil; nox diremit. Comitibus diebus qui Quirinalia sequuntur Appius interpretatur non impediri se lege Pupia quo minus habeat senatum et, quod Gabinia sanctum sit, etiam cogi ex K. Febr. usque ad K. Martias legatis senatum cotidie dare. Ita putantur detrudi comitia in mensem Martium.*

⁴⁵ de bell. civ. 1.4.

⁴⁶ Caes. de bell. civ. 1.6.4: *Refertur etiam de rege Iuba, ut socius sit atque amicus; Marcellus vero passurum in praesentia negat.*

⁴⁷ Cic. de leg. ag. 2.58: *quod minuit auctionem decemviralem laudo, quod regi amico cavet non reprehendo, quod non gratis fit indico. Volitat enim ante oculos istorum Iuba, regis filius, adulescens non minus bene nummatus quam bene capitatus.*

⁴⁸ Sall. Frag. 1.53 (Maurenbrecher).

⁴⁹ Suet. Jul. 71.

of his inheritance.⁵⁰ It is difficult therefore to believe that Marcellus' opposition was due to the fear that the combination of Juba and Bocchus, even as allies of the senate, would be dangerous.⁵¹ It is much more likely that Marcellus was influenced by the same feelings as prompted Lentulus, but that with greater astuteness he halted the granting of the recognition until Juba should actually pay for it. We may interpret his '*in praesentia*' as a direct suggestion to the king what course to adopt in order to remove his scruples. That these scruples were removed shortly afterwards is certain: Juba received honors at the hands of the senate, then meeting in Macedonia, and the title of king as well.⁵² The whole case stands out with almost as much distinctness as that of Alexander of Egypt, the ill-fated monarch whom Sulla placed upon the throne with no other object save to secure for himself a portion of the kingdom's ample wealth: Σύλλας δὲ καὶ Ἀλέξανδρον τὸν Ἀλεξάνδρου τοῦ ἐν Αἰγύπτῳ βασιλεύσαντος υἱόν . . . ἐψήφισατο βασιλεύειν Ἀλεξανδρέων . . . ἐλπίσας χρηματιεῖσθαι πολλὰ ἐκ βασιλείας πολυχρύσου.⁵³

Many considerations make it evident that Roman provincial magistrates were especially accessible to this kind of corruption by princes and kings. If consuls like Appius and Lentulus, if influential private citizens made a business of trafficking with their embassies at Rome, it was still easier for the magistrate to deal corruptly abroad, where all the elements of personal contact, direct influence,⁵⁴ accessibility to the claims of rivals,⁵⁵ and uncontrolled power might be used in persuading a prince to testify in a suitable manner his gratitude for services rendered or anticipated. The method of barter and sale had become firmly entrenched in the Roman system of administra-

⁵⁰ Caes. de bell. civ. 2.25.4. It is possible that Curio's hostility to Juba arose from anger that he had chosen the wrong people to bribe, as Caesar's anger against Deiotarus was due to the latter's having chosen the wrong side to support in the Civil War.

⁵¹ As Moberley (ad Caes. de bell. civ. 1.6.4) suggests.

⁵² Dio Cass. 41.41.7.

⁵³ App. Bell. Civ. 1.102.

⁵⁴ Cic. ad Att. 6.1.3: *quoad mecum rex fuit, perbono loco res erat*.

⁵⁵ See, in particular, the case of Ariarathes, discussed later in connection with Ariobarzanes, p. 65.

tion.⁵⁶ Under the terms of the Gabinian law⁵⁷ Pompey was empowered to collect forces and money from the kings, princes and free peoples; he exercised the same powers under the Manilian law.⁵⁸ But it may be doubted if any change of policy was felt by those concerned: Pompey's activities were no different from those of any other Roman commander, save perhaps in being on a larger scale. In the presence of the overshadowing power of Rome, made real by the presence of a Roman general and army, a king was scarcely in a position to scrutinize closely the terms of that general's commission or to draw fine distinctions between what the law permitted in some cases and what it did not permit in others. The fact that such exactions were at times enforced by the authority of the senate and people of Rome no doubt made it easier for a commander to get from a prince any rewards he saw fit to demand for real or pretended services in his cause.⁵⁹

4

Contributions of troops and money which in an early period had been made voluntarily were now exacted as a matter of course by the senate or by Roman commanders. The means of oppression that this practice put into the hands of a commander has been more fully discussed in another section.⁶⁰ The expedition of Crassus against the Parthians affords an admirable illustration. If Crassus saw him-

⁵⁶ E.g., the sale of Phrygia to Mithridates: δυσμενῶν μὲν (sc. Mithridates) ἐξ οὗ Φρυγίαν αὐτὸν, πανούργως πριάμενον καὶ δεκάσαντα τῶν ὑμετέρων τινὰ στρατηγῶν, ἀποθέσθαι προσετάξατε, τῆς οὐ δίκαιας κτήσεως καταγνόντες . . . (App. Mith. 13); or Herod's purchase of his kingship (p. 56, n. 25); or Antony's king-making in the East: ἴσθη δέ πη καὶ βασιλέας, οὓς δοκιμάσειεν, ἐπὶ φόροις ἄρα τεταγμένοις (App. Bell. Civ. 5.75). We can forgive Cicero for his boasting then that he had not taken anything for his preservation of the life and throne of Ariobarzanes (p. 66, n. 81). But there were not many in his time who, like himself, copied the noble example of the younger Scipio in turning over to the public treasury gifts proffered him by kings. The general feeling was that too much publicity was not desirable in affairs of that kind: *cum celare aliis imperatoribus regum munera mos esset* (Liv. Epit. 57).

⁵⁷ App. Mith. 94.

⁵⁸ Plut. Pomp. 31.

⁵⁹ The words that Sallust puts into the mouth of Memmius (Jug. 31.9) show that the Romans regarded this kind of graft as an old established custom: *superioribus annis taciti indignabamini . . . reges et populos liberos paucis nobilibus vectigal pendere*.

⁶⁰ Pp. 35-38.

self overshadowed in the triumvirate, and formed the ambition to undertake an exploit which should counteract this obscurity and bring him glory, he found another motive even stronger in the ruling passion of his life. Parthia was wealthy and therefore invited attack.⁶¹ The preparations for the campaign were conceived in the same spirit. Syria was too rich a field to be hastily exploited. The time that he should have spent in providing adequate equipment and in hardening his troops for the severe desert campaign, he devoted to the realization of his covetous purposes, thus affording to Parthia an opportunity to prepare for defence.⁶² Day after day Crassus busied himself inspecting the tax rolls of the cities of Syria or fingering and weighing the treasures in her temples—not without profit to himself: *τὰς ἐν Συρίᾳ διατριβάς . . . χρηματιστικὰς μᾶλλον οὐσας ἢ στρατηγικάς*. Meanwhile he had sent letters to the princes and states requisitioning troops, though he was acting wholly on his own initiative as the senate had not given its sanction to the expedition. These requisitions he promptly commuted into money payments. His purposes were so transparent that he earned the disesteem and contempt even of the Syrians.⁶³

Nevertheless it was not invariably an easy task by any means to collect these rewards. What Burke said centuries later of India was completely true of the provinces and quasi-dependent kingdoms of the Roman republic. For generations there had been "nothing before the eyes of the natives but an endless hopeless prospect of new flights of birds of prey and passage, with appetites continually renewing for a food that was continually wasting."⁶⁴ The cruel extortions of many generations had seriously affected the ability of the petty kingdoms to satisfy at once the avarice of their own rulers and the greed of the representatives of sovereign Rome. Instances arose in which the Roman governor had perforce to content himself

⁶¹ Dio Cass. 40.12: ὁ δὲ δὴ Κράσσος ἐπιθυμήσας τι καὶ αὐτὸς δόξης τε ἅμα καὶ κέρδους ἐχόμενον πράξει, ἔπειτ' ἐπειδὴ μηδὲν ἐν τῇ Συρίᾳ τοιοῦτό τι εἶδεν ὄν . . . ἐπὶ τοὺς Πάρθους ἐπεστράτευσε, μήτε ἐγκλημά τι αὐτοῖς ἐπιφέρειν μήτε τοῦ πολέμου οἱ ἐληφισμένοι. αὐτοὺς τε γὰρ παμπλουσίους ἤκουεν ὄντας.

⁶² Dio Cass. 40.13.

⁶³ Plut. Crass. 17.6: οὐ γὰρ ὄπλων ἀριθμὸν ἐξετάζων οὐδὲ γυμνασιῶν ποιούμενος ἀμίλλας, ἀλλὰ προσόδους πόλεων ἐκλογιζόμενος καὶ τὰ χρήματα τῆς ἐν Ἱερᾷ πόλει θεοῦ σταθμοῖς καὶ τρυτάναις μεταχειριζόμενος ἐπὶ πολλὰς ἡμέρας, ἐπιγράφων δὲ καὶ δήμοις καὶ δυναστείαις στρατιωτῶν καταλόγους, εἴτ' ἀνιείς ἀργύριον διδόντας ἡδόξει καὶ κατεφρονεῖτο τοῖσι.

⁶⁴ Speech on Mr. Fox's East India Bill.

with the promise of payment in lieu of cash,⁶⁵ a promise which the resourceless prince was willing enough to make in his desperation if only because it afforded him some slight relief from pressing importunities—more willing, we may conceive, to promise than were his creditors to be put off in this way. For there was considerable difficulty to be anticipated in the collection of such accounts.⁶⁶

Magistrates were forbidden by many statutes, old and new, to enter a kingdom without express authority from the senate or people.⁶⁷ And inasmuch as this prohibition was reaffirmed as well in the *lex Iulia repetundarum* as in the *lex Cornelia maiestatis*, we may be sure that the danger of extortion was quite as good a ground for it as any consideration of political expediency. Had such enactments been of any avail, it would have been almost more effective to prevent the princes from entering the provinces in order to make personal appeals to the magistrates, just as indeed on one occasion they had been forbidden to come to Rome.⁶⁸ But all such enactments accomplished little. If, when his term expired, a Roman governor relinquished his *imperium* before he was able to realise on these royal promises to pay, and was thereby debarred from collecting the account in person, there were still ways of evading the difficulty. He could leave behind him trusty agents to watch his interests⁶⁹ and see that they were warmly commended to the indulgence of his successor or of some other governor whose commission did give him right of entry into the kingdom.

5

The most striking instance of this sort is that of Ariobarzanes, king of Cappadocia, the story of whose connection with Rome is so

⁶⁵ So Clodius took a note from Brogitarus in payment for his title. Cicero taunted him with the scanty prospect of ever realising on the note: *Sed alter est rex iudicio senatus per nos, pecunia Brogitarus per te appellatus . . . alterum putabo regem, si habuerit unde tibi solvat quod ei per syngrapham credidisti* (de har. resp. 29). See pp. 73 f.

⁶⁶ It will appear later that in one instance at least the idea was seriously entertained of cancelling such a debt altogether. See the discussion of Ariobarzanes' debt to Brutus, pp. 67-69.

⁶⁷ P. 23.

⁶⁸ Livy, Ep. 46. On this particular occasion the senate felt that the presence of Eumenes in Rome would create a very awkward situation. They passed a general decree forbidding kings to come to Rome at all. Like most such enactments passed to meet a special case the decree was soon allowed to fall into abeyance.

⁶⁹ Sometimes their names was Legion (p. 67, n. 85).

full of illumination on this general topic that it must be told in some detail.

This prince, who succeeded to the throne of Cappadocia after the murder of his father, had been confirmed in his title by a decree of the senate proposed or supported by Cicero.⁷⁰ Cicero makes a point of the fact that the senate had styled him king without any solicitation, which suggests that such spontaneous action was of unusual occurrence.⁷¹ There can be little question that the senate's unprecedented interest⁷² in the welfare of Ariobarzanes and his kingdom was due in the main to the desire to have a strong and loyal ally in that quarter in view of the threatened Parthian invasion.⁷³ Cappadocia would furnish a buffer state for the province of Cilicia, and this was all the more essential as the neighboring countries were not in any position to defy the Parthians.⁷⁴ Bibulus was greatly vexed because the commission to bestow the title upon the king and maintain his position unimpaired was given to Cicero. Why Bibulus desired to discharge these offices we are not told, but it is not difficult to imagine the reason.⁷⁵ He let his vexation so master him that he refused to recognise the king's title and spoke of him as 'the son of king Ariobarzanes.'⁷⁶

Cicero's first interview with the king was eminently satisfactory. He assured him of the good-will of Rome and of his own devotion to his interests and received his grateful thanks.⁷⁷ But on the following day Ariobarzanes and his brother appeared before Cicero and revealed to him the discovery of a plot against the king's life with the object of placing Ariarathes, his brother,⁷⁸ upon the throne.

⁷⁰ Cic. ad Fam. 2.17.7.

⁷¹ Cic. ad Fam. 15.2.8.

⁷² Cic. ad Fam. 15.2.4.

⁷³ Cic. ad Fam. 15.2.1. That this desire was taken advantage of by Pompey and Brutus, who had personal interests at stake, will be shown later (p. 148).

⁷⁴ Cic. ad Fam. 15.4.4.

⁷⁵ Such missions were enormously profitable. We have explicit information on this point in the case of Nicomedes who was restored to his kingdom at the same time as Ariobarzanes' father and by the same embassy: *ἐγκειμένων δὲ τῶν πρέσβων, ὁ Νικομήδης πολλὰ μὲν ὑπὲρ τῆς ἐπικουρίας τοῖς στρατηγοῖς καὶ τοῖς πρέσβεσιν ὡμολογηκῶς χρήματα δώσειν . . .* (App., Mith. 11).

⁷⁶ Cic. ad Fam. 2.17.7.

⁷⁷ Cic. ad Fam. 15.2.5.

⁷⁸ Mistakes are made by the editors in identifying Ariarathes. Shuckburgh, in his translation of Cicero's Letters (iii., p. 265, n. 3) errs in making him the son of the king whom Cicero saved in 51-50 B.C. He was the son of Ariobarzanes,

Notwithstanding Ariobarzanes' assurances of belief in his brother's integrity and the latter's tearful protestations of innocence, these facts stand out clearly: that Ariarathes had been cognizant of the plot and yet had not revealed it to his brother; that the conspirators had planned to see Cicero and to offer him bribes, reckoning that they would find him quite open to persuasion of this sort and that they would thus secure official sanction for the revolution; that the plot had failed because Cicero had refused even to admit the envoys of the conspirators to his presence, let alone take their bribes,⁷⁹ and had at his first interview with the king given him such unqualified assurances of support that it became at once evident to those who were in the plot that they had no chance of success, with the result that there was an immediate scramble for safety; that Ariarathes thought it high time, when others were telling what they knew, to confess that overtures had been made to him to accept the crown, but that 'so long as his brother was alive he could not accept that suggestion:'⁸⁰ and, lastly, that Cicero took no reward from Ariobarzanes for saving his life and his kingdom. The whole story illustrates the ease with which a less scrupulous magistrate than Cicero might have secured great rewards, for the king was unfeignedly grateful. Cicero dwells with honest pride on his integrity,⁸¹ and his satisfaction that his administration is not costing the province a single penny.⁸²

the father of Cicero's *protégé*, who met his death as a result of conspiracy about 52 B.C. (Cic. ad Fam. 15.2.5). In the Index however (iv., p. 339) he gets it right. A similar mistake (ad Cic. ad Att. 13.2.2) has been corrected in the second edition of *The Correspondence of Cicero* by Tyrrell-Purser.

⁷⁹ Cic. ad Att. 5.20.6: *Ariobarzanes opera mea vivit, regnat; ἐν παρόδῳ consilio et auctoritate et quod insidiatoribus eius ἀπρόσβουτον με non modo ἀδωροδόκητον praebui regem regnumque servavi.*

⁸⁰ Cic. ad Fam. 15.6: *id vivo fratre suo accipere non potuisse.* If the phrasing of this clause is not due to Cicero himself, it shows that Ariarathes had some skill in *double entendre*.

⁸¹ Cic. ad Att. 5.20.6: *ego in vita mea nulla umquam voluptate tanta sum adfectus quanta adficior hac integritate, nec me tam fama quae summa est quam res ipsa delectat . . . Recte περνοῖσθαι . . . Interea e Cappadocia ne pilum quidem.*

⁸² This view of the whole situation is confirmed by a later incident. Ariarathes did not completely relinquish this early hope of a kingdom, which his silence about the plot would indicate that he had cherished. Five years later he came to Rome to purchase a kingdom from Caesar: *Ariarathes Ariobarzani filius Romam venit. Vult, opinor, regnum aliquod emere a Caesare; nam quo modo nunc est, pedem ubi ponat in suo non habet* (ad Att. 13.2a.2). Kingdoms were on the market just then (ad Fam. 9.15.4; see p. 57, n. 30), and he had found it rather tiresome to play the part of younger brother to the reigning king, without a foot

Ariobarzanes was deeply in debt to Pompey and to Brutus. The latter was an impatient and exacting creditor. He had brought influence to bear on Cicero through Atticus to see that the debt was paid, and had also induced Deiotarus to send an embassy to his brother king urging his interests. The embassy reported what was true enough that Ariobarzanes was a pauper and his kingdom swept clean.⁸³ Nevertheless Cicero's earnest efforts succeeded in getting some substantial amount⁸⁴ out of him on Brutus' account. As long as Cicero's presence dominated the king the matter proceeded very satisfactorily. But Pompey's agents swooped down in dense array upon the king.⁸⁵ Pompey's was still the great name in the East. Moreover Ariobarzanes had peculiar reason to treat him with respect, for he had established his grandfather on the throne and had enlarged his territories;⁸⁶ he had presided over the transfer of the kingdom to his father, whom he had treated on that occasion with distinguished consideration.⁸⁷ Just at this time also the prospect of Pompey's presence on the ground in the near future as commander in the Parthian war made him a preferred creditor: *Pompeius autem quom ob ceteras causas plus potest unus quam ceteri omnes, tum quod putatur ad bellum Parthicum esse venturus.*⁸⁸ Cicero arranged therefore with the king that Pompey should be paid each month the sum of 33 Attic talents (about \$40,000), which the king had to raise by special taxes. Even this huge sum barely sufficed to pay the monthly

of land to call his own. Nor was Caesar the only one who designed to profit by his ambition. Sestius sought to monopolise him by acting as his host—turning himself into a 'State Boniface' (Tyrrell-Purser), as Cicero humorously remarks. As an old friend of the family Cicero thought it his duty to invite Ariarathes to stay at his house, though he suggested that Sestius' assiduity in the matter left little chance of his invitation being accepted: *omnino eum Sestius noster parochus publicus occupavit; quod quidem facile patior. Verum tamen, quod mihi summo beneficio meo magna cum fratribus illius necessitudo est, invito eum per litteras ut apud me deversetur* (ad Att. 13.2a.2).

⁸³ Cic. ad Att. 6.1.4: *Deiotarus etiam mihi narravit se ad eum legatos misisse de re Bruti; eos sibi responsum rettulisse illum non habere. Et me hercule ego ita iudico, nihil illo regno spoliatus, nihil rege egentius.*

⁸⁴ Cic. ad Att. 6.1.3. There is a doubt about the reading so that we do not know the exact figure.

⁸⁵ Cic. ad Att. 6.1.3: *Quoad mecum rex fuit, perbono loco res erat; post a Pompei procuratoribus sescentis premi coeptus est.*

⁸⁶ App., Mith. 105.

⁸⁷ Val. Max. 5.7 ext. 2.

⁸⁸ Cic. ad Att. 6.1.3.

interest. Cicero states that Pompey accepted this arrangement though it meant that he lacked the principal and did not even receive the interest in full.⁸⁹ He might well have been satisfied for he was getting everything the king had, and the kingdom's resources were utterly exhausted. Pompey's instincts were comparatively generous for a Roman of his time, and no doubt his widespread influence gave him many sources of income like the one under discussion. Brutus' range however was more circumscribed, and he pressed for payment. Cicero knew exactly what the king's financial situation was: *nihil illo regno spoliatus, nihil rege egentius*.⁹⁰ Yet he did not cease to harry the king daily for the payment of Brutus' debt,⁹¹ using the gratitude which Ariobarzanes undoubtedly felt towards him for the preservation of his life and kingdom as a means of extorting the money.⁹² It was no wonder he told Atticus he was doing Brutus' business better for him than he could do it for himself: *ego tui Bruti rem sic ago, ut suam ipse non ageret*.⁹³ Though he wavered for a time between the cowardly course of resigning his guardianship—a course which would have abandoned the king completely to the merciless agents of his creditors—and the bolder and juster policy of repudiating the debt altogether, interest and principal,⁹⁴ he weakly yielded to the claims of friendship and bestowed prefectures⁹⁵ upon Brutus' agents, Scaptius and Gavius. He soothed his conscience by the reflection that they were not operating in his province and that they were not in business on their own account.⁹⁶ Yet as the interests of Ariobar-

⁸⁹ Cic. ad Att. 6.1.3. If we reckon the interest at 1% per month, the usual Roman rate, the principal would amount to 3,300 Attic talents (about \$4,000,000); but doubtless in such a case the principle of bad security and high interest would apply.

⁹⁰ ad Att. 6.1.4.

⁹¹ Cic. ad Att. 6.1.3.

⁹² Cic. ad Att. 6.3.5: *Ariobarzanes non in Pompeium prolixior per ipsum quam per me in Brutum*.

⁹³ ad Att. 5.18.4.

⁹⁴ Cic. ad Att. 6.1.4: *itaque aut tutela cogito me abdicare aut . . . faenus et impendium recusare*.

⁹⁵ That these prefectures were a serious menace to the persons and property of the provincials had long been recognised. Cato the censor had prided himself on refraining from appointing them: *numquam praefectos per sociorum vestrorum oppida imposivi, qui eorum bona, liberos diriperent* (Frag., de sumtu suo, Jordan, p. 37).

⁹⁶ Cic. ad Att. 6.1.4: *Ego tamen quas per te Bruto promiseram praefecturas, M. Scaptio, L. Gaviu, qui in regno rem Bruti procurabant, detuli; nec enim in provincia*

zanes had been commended to his care in the most specific terms, and as it made no difference whether the king's oppressors were acting for themselves or for others, we can hardly acquit Cicero of shameless dereliction of duty.

This use of minor official positions to promote private interests, bad as it was, was not in any way comparable to the pressure that could be exerted on the victims of Roman oppression and greed by the governor himself who had all the resources of his *imperium* to support his demands. Cicero certainly did apply pressure; but had he been as grasping as Brutus, not only would he have served the claims of friendship by getting all out of the king that he could for Brutus, but he would have taken care to feather his own nest at the same time. As it was, he devoted all his energy to securing the interests of his friends. Finally by dint of vigorous daily correspondence with the king,⁹⁷ he succeeded in getting about 100 talents for Brutus. Pompey's interest was to run into arrears for six months while Brutus was being paid up, and was then to be brought up to date by the payment of 200 talents in a lump, the principal sum remaining undiminished. This settlement, Cicero remarks, gave Brutus more favorable treatment than Pompey in proportion to his claim.⁹⁸

The question naturally arises how Ariobarzanes came to be so heavily indebted to Pompey and Brutus. Sands⁹⁹ suggests that the debt to Pompey was for 'sums promised him by the late grandfather of the reigning king of Cappadocia for his restoration and other services.' But the grandfather had been restored in 66 B.C.,¹⁰⁰ and it would seem somewhat strange if the debt had not been liquidated in fifteen years.¹⁰¹ It has been suggested also that Brutus had lent money to the king.¹⁰² In the absence of any definite statements one

mea negotiabantur. Tu autem meministi nos sic agere ut quot vellet praefecturas sumeret, dum ne negotiatori. Cicero knew their worthless character. He was repaid for his concession, by Gavius at least, with open disrespect and contumely (ad Att. 6.3.6), till finally he₂ was forced to dismiss him.

⁹⁷ Cic. ad Att. 6.2.7.

⁹⁸ Cic. ad Att. 6.3.5.

⁹⁹ Client Princes, p. 116.

¹⁰⁰ Clinton, Fast. Hell. iii., 437.

¹⁰¹ We have one instance of such a debt remaining unpaid for upwards of three years, and there is the clearest possible evidence that even that delay in closing out the business caused keen anxiety to the creditor (see p. 74, n. 122.).

¹⁰² Sands (*loc. cit.*) states that Brutus was trying 'to recover money with which he had financed that monarch.' The opinion is expressed in Drumann-

can only conjecture what the situation was. But these points may be noted:

a) From the devotion of Ariobarzanes to Pompey, it was quite evident to Cicero that the king was more anxious to meet his obligations to Pompey than to Brutus.¹⁰³ This might possibly imply some difference in the character of the obligation.

b) Pompey was much less insistent on payment than Brutus was.¹⁰⁴ Atticus and Deiotarus were both very urgent in pushing the claims of Brutus, no doubt at the latter's instigation.¹⁰⁵

c) Cicero seriously contemplated repudiation of the debt, principal and interest.¹⁰⁶ The passage does not make it clear whether he meant one debt or the other or both. Yet if they were genuine debts recoverable at law, as they certainly would have been had they represented sums advanced to Ariobarzanes, how could he have repudiated them?

d) The senate had shown quite unusual consideration for Ariobarzanes,¹⁰⁷ and had appointed Cicero as special guardian of his interests. Pompey was at the time in complete control of the senate. He no doubt urged upon its consideration the political advantage of friendship with Ariobarzanes in the same spirit and with the same ulterior motive that influenced Antony, a little later on, to promote the recognition of Herod's kingship.¹⁰⁸

The following inferences therefore seem to me possible, not to say probable:

1) that the king's indebtedness to Pompey, if not to Brutus, was for monies promised him for his support in the senate. The king's father had just been put to death as the result of conspiracy, and, as the disclosure of the plot against his own life clearly showed, his own position was not by any means secure till he received the recognition of Rome. To whom could he or would he more naturally apply for

Groebe (Geschichte, iv., 24) that Brutus had lent money to Ariobarzanes when he was quaestor to Appius Claudius in Cilicia in 53 B.C.

¹⁰³ P. 68, n. 92.

¹⁰⁴ Cic. ad Att. 6.1.3: *Sed Gnaeus noster clementer id fert.* See also p. 68.

¹⁰⁵ P. 67.

¹⁰⁶ P. 68.

¹⁰⁷ P. 65.

¹⁰⁸ P. 56, n. 25. Cf. also Jos., Ant. Iud. 14.385: ἐδίδασκεν (sc. ὁ Ἀντώνιος) αὐτοὺς (i.e. the senate) ὡς καὶ πρὸς τὸν κατὰ Πάρθων πόλεμον Ἡρώδην βασιλεύειν σύμφεροι, καὶ δόξαν τοῦτο πᾶσι ψηφίζονται.

help than to Pompey, who had been so closely connected with the fortunes of his family? What argument more convincing could he use with him than the time-honored one of promising to pay handsomely for support?

2) that Pompey adroitly put forward the guileless upright Cicero as the king's sponsor in the senate and had him appointed as his guardian. It is not too much, perhaps, to surmise that the magnitude of the sum involved was what dictated Cicero's appointment as governor of Cilicia and as *tutor* to the royal debtor. Pompey was well aware that he could choose no more devoted or serviceable instrument for the collection of the debt; there was no danger that Cicero would misappropriate the money. And, finally,

3) that Cicero's vanity blinded him to the facts, leading him to believe at the time that the king really had received his title, *nullo postulante*.¹⁰⁹ Yet his suspicions must have been somewhat aroused later when he contemplated either the repudiation of the debt or resignation from the difficult position in which he found himself placed, between his desire to give a thoroughly upright administration and his anxiety to please Pompey for his own sake and Brutus for the sake of Atticus.

6

The consuls were not the only magistrates who realized what profits were to be derived from dealings with the princes. There is an obscure reference to the activities of Staienus in his quaestorship; he had set up some statues with the inscription, *REGES AB SE IN GRATIAM ESSE REDUCTOS*,¹¹⁰ the grandiloquence of which was a theme for scoffing. As quaestor he would have a detailed knowledge of the personnel of embassies from foreign states, for these had to register their names together with those of all their attendants before the quaestor in the temple of Saturn.¹¹¹ Apparently his well-known character recommended him to some of the royal agents in the capital as a suitable 'go-between' for their corrupt purposes. Cicero intimates that it was rather dirty practice he was engaged in, *quaestus forensis*, and speaks of him with contempt as a *nummarius interpres pacis et concordiae*.¹¹² In any case he could only have been an underling.

¹⁰⁹ Cic. ad. Fam. 15.2.8.

¹¹⁰ Cic. pro Cluent. 101.

¹¹¹ Plut. Quaest. Rom. xliii.

¹¹² pro Cluent. 101.

The tribunes were naturally in a much better position than the quaestors to undertake negotiations with the kings because of their power of initiating legislation. Matters of this sort were often dealt with by the people. In a vigorous onslaught upon Vatinius Cicero mentions his treaty-making with kings as one of the activities through which he rose from poverty to wealth in his single year of office.¹¹³ The same general charges of corrupt trafficking with princes are made repeatedly against Clodius' tribunate: *eum, qui regna dedit, ademit, orbem terrarum quibuscum voluit partitus est . . .*; or again: *consules sceleris sui socios aerario, provinciis, exercitu armavit, reges qui erant vendidit, qui non erant appellavit*.¹¹⁴ Tribunician bills were passed bestowing the title of king on rulers who would never have asked the senate for the distinction, Cicero assures us, thereby suggesting that, instead of being content with the business that offered, Clodius was actively engaged in working up trade. It is in the same spirit that the orator asks what place there was in the whole world in which some kingdom had not been set up, what king who did not feel that year that he must buy what he did not possess or ransom what he did: *qui locus orbi terrae iam non erat alicui destinatus? cuius negoti publici cogitari, optari, fingi curatio potuit quae non esset attributa atque discripta? quod genus imperi aut quae provincia, quae ratio aut flandae aut conflandae pecuniae non reperiebatur? quae regio orave terrarum erat latior, in qua non regnum aliquod statueretur? quis autem rex erat qui illo anno non aut emendum sibi quod non habebat, aut redimendum quod habebat arbitraretur?*¹¹⁵ Cicero's indignation is more rhetorical than righteous; all of it that is genuine is based on the fact that the senate was superseded throughout that year by the restless activity of the tribune: *quis provinciam, quis pecuniam, quis legationem a senatu petebat?*¹¹⁶ There are, in fact, only two cases recorded on which this sweeping generalization is based, that of Deiotarus and that of his son-in-law, Brogitarus.

¹¹³ Cic. in Vat. 29: *volo uti mihi respondeas, fecerisne foedera tribunus plebis cum civitatibus, cum regibus, cum tetrarchis; erogarisque pecunias ex aerario tuis legibus . . . ? quae cum ita sint, quaero ex te, sisne ex pauperrimo dives factus illo ipso anno quo lex lata est de pecuniis repetundis acerrima*. We have no specific details but we may surmise that Deiotarus, Ptolemy Auletes (p. 30), and Ariovistus (p. 58) all found it convenient to win favorable treatment of their claims from Caesar through the agency of Vatinius (cf. in Vat. 36).

¹¹⁴ Cic. pro Mil. 73; de har. resp. 58.

¹¹⁵ Cic. pro Sest. 66.

¹¹⁶ Ibid.

Clodius had reaffirmed the title of Deiotarus which had been granted him by the senate repeatedly, evidently expecting that the compliment would be suitably rewarded.¹¹⁷ But Deiotarus did not pay Clodius a single sesterce, a fact over which Cicero gloats.¹¹⁸ One marvels how Clodius could have expected Deiotarus to be generous for he had at the same time conferred the royal title on Brogitarus, had wrested from Deiotarus the wealthy city of Pessinus, the hallowed shrine of Cybele, and had handed it over to Brogitarus, making him also priest of the temple. The statement is definitely made that Brogitarus paid handsomely for his title and that he had to bid high before Pessinus was 'knocked down' to him.¹¹⁹

As it appears from a statement made elsewhere that the activities of Brogitarus' agents at Rome had occupied some time,¹²⁰ we may infer that the negotiations were protracted till an agreement was reached that was satisfactory to both parties. This statement does not make it clear, however, whether the money mentioned as having been paid over to Clodius' henchmen in the temple of Castor was part of the price that Brogitarus paid for his title, or whether it was given merely as a general retainer to secure Clodius' favor. In any case it was just as much a bribe to Clodius as if the money had been put into his own hand. This at least is certain, that the price of the title was not paid in full at the time. Clodius took a bond from Brogitarus for the balance.¹²¹ That balance remained unpaid in February 55 B.C., after an interval of over two years. Clodius was extremely desirous

¹¹⁷ Cic. de har. resp. 29: *atque hunc tamen Deiotarum saepe a senatu regali nomine dignum existimatum, clarissimorum imperatorum testimoniis ornatum, tu etiam regem appellari cum Brogitaro iubes.*

¹¹⁸ Ibid.: *nam cum multa regia sunt in Deiotaro tum illa maxime, quod tibi nummum nullum dedit, . . .*

¹¹⁹ Ibid.: *quod (sc. fanum) cum Deiotarus religione sua castissime tueretur, . . . Brogitaro, ut ante dixi, additum pecunia tradidisti.* So, too, pro Sest. 56: *lege tribunicia . . . fanum sanctissimarum atque antiquissimarum religionum venditum pecunia grandi Brogitaro.*

¹²⁰ Cic. de har. resp. 28: *qui (sc. Clodius) . . . Brogitaro Gallograeco, impuro homini ac nefario, cuius legati te tribuno dividere in aede Castoris tuis operis nummos solebant, totum illum locum fanumque vendideris.*

¹²¹ P. 64, n. 65: *syngrapham.* It is better to regard this as a promissory note rather than as an acknowledgment of money loaned. This meaning of *credidisti*, 'trusted him for,' finds a parallel in ad Att. 1.16.10, where Cicero rallies Clodius because the jurors refused to trust him for their bribes and demanded cash down: *'mihi vero' inquam 'xxv iudices crediderunt, xxxi, quoniam nummos ante acceperunt, tibi nihil crediderunt.'*

of closing the matter out.¹²² He planned to secure a *legatio libera* enabling him to visit Brogitarus and bring official pressure to bear on him to settle up. No further mention is made of the matter and there is no evidence to show that Clodius left Rome at this time. It is possible that the fiery tribune's threat to provide himself with this *legatio*, and appear on the scene as his own debt-collector was an inducement sufficient to make Brogitarus settle the liability out of hand.

Other cases of tribunician intervention in the affairs of client princes—the confiscation of the kingdom of Cyprus by Clodius,¹²³ and Curio's abortive proposal in 54 B.C. to confiscate the kingdom of Numidia—¹²⁴ are discussed elsewhere.

7

The case of Ptolemy of Cyprus presents some novel features. He had amassed great wealth, but the parsimony through which he had acquired it¹²⁵ kept him from using it in the only way that would have recommended him to the men of affairs at Rome. He was accused of being ungrateful to his benefactors. Who these benefactors were, in what their benefactions consisted, and what particular ingratitude he had shown to them we are not told.¹²⁶ The fact that

¹²² The extent of Clodius' anxiety may be measured by the fact that he had evidently offered to forego his opposition to some of Cicero's cherished schemes for the rehabilitation of his own and his brother's fortunes after his return from exile, provided that Cicero would not stand in the way of his securing this embassy: *veni ad Pompeium; cumque ego egissem de istis operibus atque inscriptionibus, per miki benigne respondit. magnam spem attulit; cum Crasso se dixit loqui velle mihique ut idem facerem suavit. Crassum consulem ex senatu domum reduxi. suscepit rem dixitque esse quod Clodius hoc tempore cuperet per se et per Pompeium consequi; putare se si ego eum non impedirem, posse me adipisci sine contentione quod vellem. Totum ei negotium permisi meque in eius potestate dixi fore.* Such a rapprochement between inveterate enemies like Clodius and Cicero could only have been the result of the keenest desire on the part of Clodius to accomplish his purpose. The following phrase *si minus per senatum, per populum* strengthens this impression. Clodius enlisted the co-operation of both Pompey and Crassus; the latter in particular used his good offices to persuade Cicero to comply with Clodius' request. Cicero consented but his terse comment, *plena res nummorum*, shows that he fully understood the situation: *illud autem quod cupit Clodius est legatio aliqua (si minus per senatum, per populum) libera aut Byzantium aut ad Brogitarum aut utrumque. Plena res nummorum.* (Cic. ad Quint. frat. 2.7.2).

¹²³ Pp. 74-76.

¹²⁴ Pp. 60 f.

¹²⁵ Val. Max. 9.4.3. ext. 1.

¹²⁶ Strabo, 14.6.6.

he had 'not yet'¹²⁷ been called an ally by the senate' might suggest that such a proposal had been broached in that year which had witnessed so much corrupt negotiation with kings and kingdoms,¹²⁸ but that cupidity on the one side and frugality on the other had kept the deal from being consummated. This seems to me a much more reasonable explanation of the king's downfall than the one usually given, namely that it was an act of wanton malice on Clodius' part in revenge for the low estimate Ptolemy had placed upon him in offering the pirates a beggarly two talents for his ransom.¹²⁹ Ammianus Marcellinus sees the motive for the confiscation of the kingdom in the depletion of the Roman treasury: *Ptolemaeo enim rege foederato nobis et socio ob aerarii nostri angustias iusso sine ulla culpa proscribi*.¹³⁰ Florus ascribes it to brutal cupidity on the part of the Roman people 'who had conquered the world and were accustomed to bestowing kingdoms';¹³¹ Valerius Maximus tells us¹³² that the king was conscious that his wealth would prove his ruin. But the indictment should lie against individuals rather than against the nation. Clodius and Pompey might propose to the senate or to the people or, rather, to the Clodian gangs who passed for the popular assembly in that year of anarchy, that the kingdom should be confiscated on grounds of public policy,¹³³ while their action might in reality have been prompted by the resolve that if the king would not pay for alliance and title he should be deprived of his throne: they themselves might reap some advantage, popularity if nothing else. Moreover it suited Pompey's purpose to get rid of Cato's opposition, and here was a suitable opportunity to appoint him to a task which was not only not particularly creditable in itself, but which might also, conceivably, afford some ground for charges which would compromise Cato with the public. Strangely enough Cato accepted the commission, and discharged it with scrupulous, if somewhat Pharisaical,¹³⁴ honesty. Pompey and

¹²⁷ Cic. pro Sest. 37: *rex si nondum socius, at non hostis*.

¹²⁸ P. 72.

¹²⁹ App., bell. civ. 2. 23; Strabo. 14.6.6.

¹³⁰ 1.8.15.

¹³¹ Epit. 3.9: *sed divitiarum tanta erat fama, nec falso, ut victor gentium populus et donare regna consuetus P. Clodio tribuno plebis duce socii vivique regis confiscationem mandaverit*.

¹³² 9.4.3. ext. 1.

¹³³ Just as Antony persuaded the senate that it was in the interest of Rome that Herod should be made king: p. 70, n. 108; p. 56, n. 25.

¹³⁴ After speaking of Cato's integrity and his claim to valor because of it, Dio

Clodius could hardly have expected anything else from Cato. If they did, they were doomed to disappointment, for he brought all the royal wealth into the treasury.¹³⁵ Some strife did arise between Clodius and Cato over part of the booty, and the former criticized Cato's administration of his task. In this effort, if we may believe the rumor reported by Dio,¹³⁶ he was helped if not instigated by Caesar. It is possible therefore that apart from the satisfaction of gratifying his revenge, Clodius' real hope of reward in this matter lay in discrediting Cato and so getting into his own hands the final disposition of the spoils. It was not his fault nor Caesar's that this effort failed, and that instead of enriching himself he had only filled the Roman treasury with unprecedented wealth.¹³⁷

It is a curious fact that the later historians, in a truly Roman spirit, instead of commenting on the outrageous character of the crime, see in the incident only an illustration of the natural reward that overtakes the laying up of wealth. Florus states in the most matter-of-fact way that the confiscation was due to the rumors of the king's great wealth.¹³⁸ Valerius Maximus goes so far as to treat the affair as a theme for laughter, and dubs the king 'the wretched slave of his title and of his love for money.'¹³⁹ Even Ammianus has only the mildest condemnation for the deed: *auidē magis . . . quam iuste*.¹⁴⁰ Yet there is no case in Roman history that more fully illustrates the pitiless rapacity with which Rome and the Romans treated the weaker peoples with whom they came in contact.

adds (39.22.4): ὑπὸ γὰρ τοῦ πολλοῦ δωροδοκεῖν σπανιώτερον τὸ τῶν χρημάτων καταφρονεῖν τινα τοῦ τῶν πολεμίων κρατεῖν ἐνθύμιζε.

¹³⁵ We may dismiss as mere popular accretions to the story the statement of Appian that when Ptolemy learned of the decree of the senate he flung all his wealth into the sea (bell. civ. 2.23), as well as the melodramatic version of the same tale given by Valerius Maximus (*loc. cit.*), which describes how the king placed his wealth on shipboard and put out to sea, intending to scuttle the vessel and go down with his treasure, and how his heart failed him at the last. The unmerited reverse of fortune, which in a moment robbed the unsuspecting king of his riches and his crown and drove him in despair to suicide, was dramatic enough in itself to create a profound impression both at the time and later. These fictitious embellishments were natural enough in the later accounts. Ammianus heightens the dramatic effect by making the king the ally of Rome. This is specifically denied by Cicero (p. 75, n. 127). We may be quite sure that Cicero would not have neglected so obvious an opportunity for adorning a tale as these incidents would have afforded him had they been based on fact.

¹³⁶ 39.23.

¹³⁹ *loc. cit.* p. 74, n. 125.

¹³⁷ Flor., Epit. 3.9.

¹⁴⁰ 14.8.15.

¹³⁸ *loc. cit.* p. 75, n. 131.

CHAPTER IV

EMBASSIES

A. *Legatio Libera*

1

In his monograph, *De Romanorum Legatis rei publicae temporibus ad exteras nationes missis*, A. A. Thurm has given a brief and admirable account of the *legatio libera*.¹ Little can be added to the conclusions he has reached regarding the use and abuse of this institution. But it has so direct a bearing upon the subject of this investigation that it will not be out of place to state again the main points regarding it and to illustrate them with a fuller discussion of examples taken from the period studied.²

Mommsen's earlier attitude toward this institution was one of unsparing condemnation.³ But he felt later that he had overemphasized its abuses, concluding that it was intended primarily as a method of overcoming the regulation which forbade Roman senators to leave Italy.⁴ But whatever its origin, its principle was at variance with sound political theory and opposed to the whole spirit of embassy, as Cicero himself declared⁵ and as later jurists like Ulpian expressly recognized;⁶ while in practice it put into the hands of unscrupulous senators⁷ a means of oppression from which little relief could be sought and still less found. For the insistence upon the sacredness of the very name of *legatus* was one of the most marked features of Roman foreign policy.⁸ And we may be sure that others were not

¹ Pp. 106-111.

² Mention should also be made of Dr. A. Soldan's *De reipublicae Romanae legatis provincialibus et de legationibus liberis quaestiones*. This is a much slighter work, marred by carelessness in quotation as well as by some curiously wrong conclusions. These will be noted in the discussion of the passages where they occur.

³ St. R. ii.³, p. 690.

⁴ St. R. iii., p. 913.

⁵ Cic. de legg. 3.9: *rei suae ergo ne quis legatus esto*; Ibid. 18: *apertum est profecto nihil esse turpius quam quemquam legari nisi rei publicae causa*.

⁶ Corp. Iur. Civ. 50.7.15 (14).

⁷ The *ius legationis liberae* was limited to the senatorial order (Cic. de legg. 3.18).

⁸ Cic. de har. resp. 34: *ius legatorum, cum hominum praesidio munitum sit, tum etiam divino iure esse vallatum*; de imp. Cn. Pomp. 11; in Verr. 2.1.79. When

allowed to make distinctions between various kinds of *legati* which the Romans did not make themselves, or which, at any rate, they obscured under a common title. It is with the abuses of the privileges that we are now concerned.

Any senator who for any reason desired to travel abroad might apply to the senate for a *legatio libera*, a titular embassy that is to say, with all of the privileges, none of the responsibilities, and few of the disabilities of a regular embassy. It was in fact this absence of restriction that gave the institution its name. The *legatus liber* was not attached to the staff of a specified magistrate; his activities were not confined to a particular province, nor was his appointment limited—at least not till after the Tullian and Julian laws—to a particular period;⁹ he had no duties to perform.¹⁰ In point of fact he was left entirely free to attend to his own concerns, while at the same time he enjoyed the advantage and distinction of being, in relation to non-Romans, an ambassador of the Roman people. The privileges thus conferred were of the most substantial character. His person was inviolate: no matter how despicable a creature he might be in himself, behind him was all the majesty and power of Rome.¹¹ In his public appearances he was attended with all the

the Lampsacenes were attempting to wreak summary vengeance upon Rubrius in indignation at his attempted crime, the Roman business men of Lampsacus appealed to them along this line: *orant Lampsacenos ut gravius apud eos nomen legationis quam iniuria legati putaretur . . . levius eorum peccatum fore si homini scelerato pepercissent quam si legato non pepercissent.* (in Verr. 2.1.69).

⁹ Cic. de legg. 3.18: *minui tamen tempus et quod erat infinitum annum feci. ita turpitudine manet, diuturnitate sublata.*

¹⁰ Ibid.: *quaero, quid reapse sit turpius quam sine procuratione senator legatus, sine mandatis, sine ullo rei publicae munere?*

¹¹ Cic. de leg. ag. 2.45: *grave est nomen imperi atque id etiam in levi persona pertimescitur, propterea quod vestro, non suo nomine, cum hinc egressi sunt, abutuntur.*

Two passages do occur, it is true, in which Cicero specifically belittles the authority of the *legatus liber*: *hereditatum obeundarum causa quibus vos legationes dedistis, qui et privati et privatum ad negotium exierunt non maximis opibus neque summa auctoritate praediti, tamen auditis profecto quam graves eorum adventus sociis nostris esse soleant* (de leg. ag. 1.8); and, *legatos nostros, homines auctoritate tenui, qui rerum privatarum causa legationes liberas obeunt, tamen exterae nationes ferre vix possunt* (Ibid. 2.45). But in both these passages Cicero is using the familiar device of contrast. He seeks to exalt the power of the *decemviri* under the agrarian law by depreciating the authority of the *legati liberi*. The provincials certainly found the latter oppressive enough and complained bitterly of them: *an legationes sumere liberas exigendi causa, sicut et tu ipse nuper et multi*

pomp and circumstance that lictors and fasces could bestow.¹² Moreover he was provided gratis with entertainment wherever he went and however long he remained, as well as with travelling equipment and expenses, for like other *legati* he enjoyed *ius evectiois*. We might be very sure, even if we had not Cato's warning to guide us, that these privileges of entertainment were regularly insisted upon. In the absence of tumult—by which we may understand the progress of the *legatus* with his retinue of lictors—of display and of threats, many places were remiss in bestowing the hospitality which he had a

virī boni saepe fecerunt, rectum est, quod ego non reprehendo, socios video queri, . . . (Cic. pro Flacc. 86). The very fact that the visits of these ambassadors are chosen as the basis of the comparison sufficiently establishes their character.

¹² Mommsen (St. R. i.³, p. 387) affirms that the earlier period furnishes no example of *legati liberi* attended by lictors, and thinks that the change was due either to some enactment of Sulla or to mere aggrandizement on the part of the senatorial order. In the absence of any definite statement in ancient authors on the question the tone of Cic. ad Fam. 12.21 seems to me to be decisive in favor of the latter view: *idque a te peto, quod ipse in provincia facere sum solitus non rogatus, ut omnibus senatoribus lictores darem; quod idem acceperam, et id cognoveram a summis viris facilitatum*. Cicero would hardly phrase the situation as he does in this letter of recommendation if the bestowal of the lictors was a matter of legal right and not of assumption.

It seems strange that Cicero, who, as has already been pointed out (p. 77), clearly recognised the indefensible character of the institution, should have been willing himself to receive such a privilege and to ask for it on behalf of others. We may be quite sure that he did not himself abuse the privilege—his conduct in Cilicia and on his journeys to and from that province are ample warrant for so believing—and his acceptance of it was probably due to the same passion for display as led him to retain his lictors with their laurelled *fasces* so long after the outbreak of the Civil War, though their retention caused him great inconvenience and no little danger. But he was perfectly aware that the privilege was grossly abused by others. Here, as so often in his career, he let the claims of friendship prevail over his sense of justice, and allowed and indeed sought for others the means of exaction which he would have scorned to use himself.

Nothing could better illustrate the uses to which this particular kind of display could be put than the story of the escape of Pomponius as Appian relates it (de bell. civ. 4.45). Disguising himself as an ambassador and his slaves as lictors he succeeded in getting out of the city. Once out of Rome all danger was past. His disguise enabled him to take possession of a public vehicle in which he travelled in state through Italy. Everywhere he was hospitably received and escorted on his way till finally he reached the coast, commandeered a state vessel and sailed overseas to join Pompey. An exactly similar story is related by Valerius Maximus (7.3.9) of Sentius Saturninus Vetulio, who, like Pomponius, had been named in the triumvirs' proscription-lists.

right, as *legatus*, to demand. He summoned the magistrates of these delinquent towns before him and warned them not to give other official guests, who might not be so considerate as himself, the chance to take by violence what was not given voluntarily.¹³ The truth was that no host could afford to run any risk by failing to give lavishly and of his best to an official guest, even though his hospitality was enforced.¹⁴

2

The applicant for such an appointment had to state the use he intended to make of it and the length of time for which it was desired.¹⁵ Sometimes the purpose was described in general terms, *negotiorum suorum causa*,¹⁶ sometimes more definitely, *exigendi causa*,¹⁷ *hereditatum obeundarum causa*.¹⁸ In other cases the applicant craved permission to leave Italy *voti causa*,¹⁹ the *legatio* being then named *votiva*. The time-limit of the legation²⁰ was apparently fixed by the applicant himself, and carried with it the implication that the *legatus* was not to return to Italy before the expiration of the term mentioned, a requirement that caused no little inconvenience when such an embassy was used, as it often was, by way of colorable pretext for a convenient absence.²¹

¹³ Plut. Cat. Min. 12.

¹⁴ Under somewhat similar circumstances Janitor, the host of Verres, was in an agony of fear when Verres suggested leaving his house, lest his doing so should prove an occasion against him, and besought him with the greatest earnestness to remain. Thereupon Verres trumped up a complaint that his favorite Rubrius was not adequately lodged and gave orders that he be quartered in the house of Philodamus. It was quite in vain for the latter to plead that such action was an infringement of his rights: *per vim ad eum qui recipere non debebat Rubrium deduci imperavit* (Cic. in Verr. 2.1.64 f.).

¹⁵ Cic. ad Att. 4.2.6.

¹⁶ Cic. ad Fam. 12.21.

¹⁷ Cic. pro Flacc. 86.

¹⁸ Cic. de leg. ag. 1.8.

¹⁹ Cic. ad Att. 2.18.3.

²⁰ At first there was no limit fixed by law to these free legations but the Tullian law of 63 B.C., and probably also the Julian law of 59 B.C., restricted them to one year. See p. 78, n. 9.

²¹ Cic. ad Att. 2.18.3. Here the inference is plain that Caesar in offering to provide Cicero with a *legatio libera* had prescribed the length of time it should continue. This is quite in accord not merely with Caesar's object, which was to get Cicero out of the way and thereby prevent any opposition on his part to the

Any senator then who wished to go abroad whether for personal or for commercial reasons found a ready means afforded him in this institution to travel with little expense to himself and with all the prestige that his status as a Roman ambassador gave him. Scanty as our records are, there is yet no doubt that very general advantage was taken of this valuable privilege. Reference has been made to the complaints of the allies; the passages there quoted establish both the frequency of the practice and the bitter oppression to which it gave rise. Cicero might as a lawyer,²² or as a political partisan,²³ or as an easy going friend,²⁴ condone this practice, but in his serious reflections on theories of government he saw with the utmost clearness how utterly sordid and indefensible in principle the whole thing was,²⁵ even while he forebore to describe in detail the behavior of those who had taken advantage of the opportunity it afforded them: *omitto quem ad modum isti se gerant atque gesserint, qui legatione hereditates aut syngraphas suas persequuntur*.²⁶ It is not likely that such applications often met with rejection. No such instance is recorded. The judges in each case were men who had themselves enjoyed or who would in all probability want some day to enjoy a similar privilege; the sense of solidarity would ensure compliance on the part of the senate. While the appointment of *legati* rested theoretically with the senate,²⁷ the exigencies of party strife sometimes transferred it to the popular assembly. A man like Clodius, fearing that his long and undisguised hostility to the senate would cause his application for a *legatio libera* to be rejected, might contemplate appealing directly to the people for such an appointment, especially as it was a matter of such pecuniary moment to him;²⁸ but this was a very exceptional case. A similar doubt emerges in connection with the request pre-

schemes of the triumvirate, but with Cicero's own interpretation of the situation: *non lubet fugere, aveo pugnare*.

So, again, in 44 B.C., when Antony's ascendancy recommended to Cicero the precaution of withdrawal from Italy, he was distracted by the same difficulty; he could not foresee how long this period of danger might last: *aveo genus legationis ut, cum velis, introire exire liceat* (ad Att. 15.11.4).

²² pro Flacc. 86, (p. 78 n. 11).

²³ de leg. ag. 1.8 (p. 78 n. 11).

²⁴ ad Fam. 12.21 (p. 79 n. 12).

²⁵ de leg. ag. 3.9, (p. 77, n. 5.)

²⁶ Cic. de leg. ag. 3. 18.

²⁷ P. 15. n. 68.

²⁸ P. 74.

ferred by Decimus Brutus for a *legatio libera* for himself and his friends.²⁹ The wording of the letter does not make it clear whether Antony or the senate was to decide. It makes little difference, however, for at the time the letter was written, April 10,³⁰ Antony was in complete control of the senate so that there was no risk of opposition to his wishes if the request went through the regular channel. This receives further confirmation from the fact that a little later in the same year Cicero comments on the current rumor that Lucius Piso wished to go abroad as *legatus*, presumably as *legatus liber*, by means of a forged decree of the senate: *inaudivi L. Pisonem velle exire legatum ψευδεγγράφῃ senatus consulto*.³¹ The story may have been true or not,³² but it shows that Antony even at that time adhered to the regular forms of administration.³³

3

The business that was transacted was for the most part quite in keeping with the method of its transaction. It fell under two main heads, (a) that of collecting money loaned to provincials together with the interest on the same, usually at usurious rates; and (b) that of entering upon estates that had been left by way of legacy. Both these kinds of business are full of interest, but they have been well discussed by Soldan and by Thurm, and need not be taken up here. They have no direct bearing upon the present study apart from the general fact that the expenses entailed by these transactions were met by exactions that laid intolerable vexations and burdens upon the provincials.

There were two uses of the *legatio libera*, however, which have received less attention: (a) in election campaigning; and (b) as a convenient excuse for withdrawal from Rome, whether such withdrawal was voluntary or was tantamount to exile. The former demands some discussion here.

Writing to Atticus in July 65 B.C. Cicero suggests that he may take advantage of the legal vacation to run up to Gaul to visit Piso in the interests of his candidacy for the consulship.³⁴ From first to

²⁹ Cic. ad Fam. 11.1.2.

³⁰ This date has been established by E. T. Merrill (*Class. Phil.* X., p. 241 ff.).

³¹ ad Att. 15.26.1.

³² Tyrrell-Purser, *ad loc.*, think the presumption is that the story is untrue.

³³ In the scarcity of detailed cases we may be allowed to echo Cicero's sigh, *velim scire quid sit*.

³⁴ 1.1.2.

last Cicero was convinced of the influence which Gaul exerted upon elections.³⁵ The declaration of this intention follows immediately after his earnest assurance to Atticus that he will discharge all the duties of a candidate with the greatest diligence. Whether Cicero carried out his purpose or not³⁶ matters little. But his suggestion is clear evidence of this use of the *legatio libera*. It was certainly a convenience and an advantage to a candidate to travel in comparative state and dignity without great expense to himself. We may be sure, however, that the proverbial good behavior of candidates would be in evidence at such a time and that every effort would be made to secure a reputation for moderation and justice. In all probability therefore this was the least oppressive of all the uses to which such legations were put. The same consideration may help also to account for the paucity of notices of the practice. A possible reference is found in Q. Cicero, *de pet. con.* 8, where, if the tradition is trustworthy, the charge is made against C. Antonius, Cicero's competitor and colleague, that he used his *legatio* to plunder the innkeepers along the route of his electioneering journeys instead of staying in Rome to conduct his canvass there.³⁷ In view of the other charges

³⁵ Cic. Phil. 2.76.

³⁶ W. H. D. Suringar (*M. Tulli Ciceronis Commentarii Rerum Suarum*, p. 94) says in commenting on this resolve of Cicero: *sed mox, consilio mutato, in provinciam ire noluimus*, giving pro Mur. 42 as his authority. That passage however refers to an entirely different matter, Cicero's refusal after his praetorship and consulship to take a provincial appointment. It has no bearing on this contemplated campaigning trip to Gaul, on which, assuming that Cicero made it, he had the status of a *legatus liber* only and attended to his own private business, the interests of his canvass. Neither Sihler nor Strachan-Davidson touches the question of the electioneering journey at all. It is extremely unfortunate that the long break in Cicero's correspondence begins almost immediately after this letter, so that we are left in the dark on this as on many other points on which information would be welcome. But the passage from the Second Philippic (p. 83, n. 35) impresses one as reminiscent of a personal experience, particularly in view of the fact that the contrast between his own conduct in public life and Antony's is never far from Cicero's thoughts throughout the speech.

³⁷ When interpreted in the light of Cicero's declared intention of making such a trip himself the tradition here makes perfectly good sense. We are not driven to accept Bücheler's preference for *Cappadoces* which he found in a single codex. It is better to accept the ordinary text and believe that, whether Cicero went to Gaul or not, C. Antonius did pay a flying visit there in the interests of his candidacy, than to give credence to a purely hypothetical embassy to Cappadocia, the connection of which with candidacy for the consulship it would require much ingenuity to explain.

which are made in the usual style³⁸ against his brother's competitor, we need not take too seriously the scornful accusations³⁹ of Quintus Cicero, nor alter our opinion that in the very nature of the case such a use of the *legatio libera* was likely to prove less oppressive than any other.

The *legatio libera* was used also as a convenient pretext for absence from Rome when a senator's own interests made voluntary withdrawal expedient or when for any reason his presence in Italy was distasteful to the senate. In the latter case the granting of the *legatio* was equivalent to a sentence of benevolent banishment, intended not to entail dishonor but to provide security of person. That this practice was commoner than the scanty notices of it would lead one to suspect is sufficiently proved by Servius' comment on Verg. Aen. 3.50: *amandare est sub specie legationis aliquem relegare*, which shows that the device had become the recognized method of avoiding the extreme consequences of political or party hatred. The only disability which such a proceeding entailed was absence from Italy, for we may be sure that all the perquisites of such an embassy were taken advantage of by its possessor. It is hardly to be supposed that the community which had the burden of entertaining such a guest appreciated the doubtful honor.

The practice that the senate thus instituted was copied by individual senators on their own behalf. While the leading motive was indubitably personal security the fact remains that the *legatio libera* did provide in such instances for the travelling expenses and maintenance of men who were in no way the servants of the state and who had therefore no just claim to such support, while the burden imposed upon their hosts by compulsion was rendered no lighter, whatever were the objects that had led to the undertaking of such an embassy.⁴⁰

³⁸ Cf. the reckless attribution of the gravest crimes to Catiline, Clodius, Gabinius, Vatinius and Piso.

³⁹ The possibility of regarding *caupones* as a sarcastic suggestion that Antonius treated his official *hospites* no better than if they had been mere innkeepers is worth considering.

⁴⁰ On several occasions Cicero contemplated an embassy of this sort himself:

(a) in 59 B.C. (ad Att. 2.18.3), when his object was to avoid the bitter attacks of Clodius;

(b) in 44 B.C., just prior to the death of Caesar, when his sole purpose was to visit his son, then a student at Athens: *Iam illa consilia privata sunt, quod sentio valde esse utile ad confirmationem Ciceronis me illuc venire; nec alia causa profectionis mihi ulla fuit tum cum consilium cepi legari a Caesare* (ad Att. 14.13.4).

The references cited would indicate that an extensive use was made of the *legatio libera*. It is true that the instances noted relate to contemplated embassies of this type and that the only notice we have of their actual employment by Cicero is his statement that as *legatus liber* he had lictors accompanying him.⁴¹ Cicero's sense of justice and decency which was always keen enough where his own conduct was concerned, however much he might lower his ideals and compromise his conscience where the interests of party or friends were involved, would keep him from any abuse of the privilege when he did use it. But if he could unblushingly contemplate its use for a visit to his scapegrace son,⁴² there was no reason why any senator travelling abroad on any personal errand whatsoever should not take full advantage of the economies and the prestige that the institution afforded. That they did so is amply confirmed by the complaints of the provincials at the burdens thus laid upon them, nor less by the efforts that were made at reform.

4

The complaints of the allies did not always fall upon deaf and unheeding ears. The exploitation of the subject peoples which was so commonly practised was not defensible in theory, and Cicero, as a diligent student of the greatest master of political theory, recognized quite clearly that if the aim of the ideal government was the good of the governed, the principle of the *legatio libera* was wholly vicious. In his treatise *De Legibus* he laid it down that 'the *legatus*, like all other officials sent out by the government, must spare the

It seems better, with Shuckburgh, to regard this as a *legatio libera*, than to understand it of an appointment on Caesar's staff, as the Dublin editors do. The expression *legari a Caesare* admits of either interpretation, for at this time Caesar's word was law to the senate. Cicero expresses his regret that he did not accept a legation *ante res prolatas*—words which might easily apply to the fortnight preceding Caesar's death (ad Att. 14.5.2). If the legation there referred to is a *legatio libera*, as Tyrrell and Purser suggest, I can see no reason why the *legatio* which he mentions two weeks later (ad Att. 14.13.4) should not refer to the same appointment. In any case, Cicero's language makes it quite clear that he intended the appointment to be a sinecure;

(c) later in the same year, when Antony's attitude was distinctly threatening (ad Att. 14.13.4; 14.22.2; p. 80, n. 21).

So, also, Decimus Brutus applied for a *legatio libera* to ensure safe conduct for himself and his friends (p. 82, n. 29).

⁴¹ ad Fam. 12.21.

⁴² ad Att. 14.13.4.

allies, hold himself and his subordinates in check, promote the glory of his country, and return with honor:’ *imperia, potestates, legationes, quom senatus creverit populusve iusserit, ex urbe exeunto, duella iusta iuste gerunto, sociis parcunto, se et suos continento, populi sui gloriam augento, domum cum laude redeunto*.⁴³ The particular conclusion to which this general statement leads is that ‘no one should be an ambassador where his own personal interests are involved’: *rei suae ergo ne quis legatus esto*. When he explains further on what he means by ‘returning with honor,’ he becomes still more specific. ‘Nothing is to be brought back whether from the enemy or from the allies save honor. It is obvious at once that no one is to be an ambassador save in the interests of the state. He will say nothing about the actual conduct in the past or in the present of those who use these embassies to prosecute their own business and to obtain possession of legacies: to err is human. But that a member of the Roman senate should be an ambassador without any public duties, commissions, or responsibilities—what could be more unseemly?’ *Iam illud apertum est profecto, nihil esse turpius quam quemquam legari nisi publicae causa. Omitto quem ad modum isti se gerant atque gesserint, qui legatione hereditates aut syngraphas suas persequuntur,—in hominibus hoc fortasse vitium, sed quaero, quid reapse sit turpius quam sine procuratione senator legatus, sine mandatis, sine ullo rei publicae munere* (18). Reasoning of this sort would seem commonplace enough, in theory at least, nowadays, but it was very radical for that time. Nor was Cicero merely a dreamer and a doctrinaire. He made an earnest endeavor to implement his theory in practice. Cherished as the privilege of the free embassy was by the senatorial order, he moved to abolish it completely, and was prevented from doing so only by the veto of a worthless tribune of the plebs. But not discouraged by the rebuff he persisted till he won at least a partial victory. The term of free embassies, which up to that time had been unlimited, was cut down to one year.⁴⁴ The imposition of this limit was a distinct gain;

⁴³ 3.9.

⁴⁴ Cic. de legg. 3.18: *quod quidem genus legationis ego consul, quamquam ad commodum senatus pertinere videbatur, tamen adprobante senatu frequentissimo, nisi mihi levis tribunus plebis tum intercessisset, sustulissem. Minui tamen tempus et quod erat infinitum, annuum feci. Ita turpitudine manet, diuturnitate sublata*. Cicero’s statement that a full meeting of the senate supported his proposal is somewhat surprising. The senate did not ordinarily acquiesce in the loss of its privileges without a struggle. Is it not probable that Cicero, writing this treatise at least twelve years after his consulship amid the ever deepening shadow of the

it could not but lessen the exactions practised upon the provincials under the system. Caesar whose legislation was marked by general reform of abuses in provincial administration approved this regulation of Cicero and incorporated it in the *lex Iulia de provinciis*.⁴⁵

Further, the Julian law set a limit to the supplies that could be demanded by Roman officials on their journeys. An earlier attempt had been made by Cato the censor to reduce the range of these exactions,⁴⁶ but his law, like all such regulations, had come to be more honored in the breach than in the observance. The Julian law cut these requisitions down to bare necessities⁴⁷ such as shelter, beds and bedding,⁴⁸ hay and fodder, firewood and salt.⁴⁹ No doubt this provi-

overthrow of the constitution to which he was so devoted, threw a glamour of ideality about the acquiescence of the senate and represented that body as much more unselfish than it really was? It is a fairly safe conjecture that the acquiescence would not have been so complete if there had not been good grounds for anticipating that the proposal would be strangled by the veto. It was never a difficult task to secure at least one tribune friendly to the senate's interests.

⁴⁵ Lange (*Röm. Alt.* iii.² p. 292) thinks that the regulation formed part of the *lex Iulia repetundarum*. So, Tyrrell-Purser (vol. iii., p. 295).

Thurm (*op. cit.*, p. 109) thinks that this law still further reduced the period of the free embassy; but he adduces no proof or argument in support of his theory.

Soldan (*op. cit.*, p. 37) repeats the error of Ernesti (*Clav. Cic., Index Legg. s.v. Iulia de legationibus liberis*) in supposing that the Julian law placed a limit of five years on the free embassy. Such a supposition is quite opposed to all that we know of Caesar's attitude toward provincial administration. That would be in itself sufficient ground for suspecting his theory. But it is so evidently based on a misunderstanding of ad Att. 15.11.4, that we may dismiss it at once. The *quinquennium* referred to is the period of Dolabella's tenure of Syria, and has nothing to do with the Julian law (cf. Mommsen, *St. R.* II³, p. 692, n. 1).

⁴⁶ *Lex Antonia de Termessibus* (C.I.L. I. 204, ii. 15): *neive quis magistratus . . . imperato, quo quid magis iei dent, praebeant, ab ieiisve auferatur, nisi quod eos ex lege Porcia dare oportet, oportebit*. See also Livy 32.27.

⁴⁷ ad Att. 5.10.2: *Adhuc sumptus nec in me aut publice aut privatim nec in quemquam comitum. Nihil accipitur lege Iulia, nihil ab hospite. Persuasum est omnibus meis serviendum esse famae meae*. Ibid., 5.16.3: *Scito non modo nos foenum aut quod e lege Iulia dari solet non accipere sed ne ligna quidem, nec praeter quattuor lectos et tectum quemquam accipere quicquam, multis locis ne tectum quidem et in tabernaculo manere plerumque*. Ibid., 5.21.5.

⁴⁸ Cic. in Verr. 2.4.9 indicates that the Julian law in this respect reaffirmed the earlier regulation: *Neminem qui cum . . . legatione . . . esset profectus tam amentem fore putaverunt ut emeret . . . vestem, praebebatur enim legibus*.

⁴⁹ Hor. Sat. 1.5.45:

*Proxima Campano ponti quae villula tectum
praebuilt, et parochi quae debent ligna salemque.*

sion of the law was as definite and strict as the other provision limiting the duration of the embassy; it must have gone a long way toward mitigating the abuse.⁵⁰ Yet even so the shrewdness of avarice found a loophole in the law. With the object of taking as much profit as possible without open violation of the statute the trick was played of moving rapidly from place to place in the course of a single day, and, as if a permanent stay was to be made there, of exacting all that the law allowed from each community. Cicero warns us that the practice was a common one.⁵¹ He is speaking, it is true, of one of his own *legati*, but there can be no question that *legati liberi*, who had still greater incentives to personal gain, were guilty of the same petty avarice. Nothing could better illustrate the fundamental spirit of graft with which Roman officialdom was permeated.

5

The law might regulate the demands of these ambassadors on communities, but it could hardly deal effectively with the acceptance of private hospitality and with the exactions practised under that guise. We have no record of any *legatus liber* imposing himself on a host who dared not refuse him entertainment, but if one takes into account Cicero's references to this matter in connection with other officials,⁵² he will find it hard to reach any other conclusion than that here too such hospitality was demanded and enforced. Even a request from one who was endowed with the sacred name of *legatus*⁵³ and who was accompanied by an impressive retinue with all the signs

⁵⁰ Soldan's conclusion (*op. cit.* p. 39) regarding the effect of this law is a most remarkable one: "ex quo hoc primo, ut solet, effectum est, ut provinciales vel socii, quidquid esset sumptuum legibus sancitum, recusarent vel proconsulibus suggerere; qua de re Cicero Athenis ad Atticum (V, epist. 10. prim.) haec scripsit: *Adhuc sumptus nec in me aut publice aut privatim, nec in quemquam amicorum. Nihil accipitur lege Iulia, nihil ab hospite.*" But the very next sentence in Cicero's letter clearly shows the error of this conclusion: *persuasum est omnibus meis serviendum esse famae meae. Belle adhuc.* Cicero did not himself take, nor allow any of his staff to take, what would have been perfectly proper under the law. He is boasting of his own virtue, not complaining of niggardly treatment on the part of the provincials.

⁵¹ ad Att. 5.21.5. Cicero is writing of the one member of his staff who disobeyed his strict orders about requisitions: *Is ceteroqui abstinens sed Iulia lege transilans, semel tamen in diem, non ut alii solebant omnibus vicis (praeter eum semel nemo accepit), facit ut mihi excipiendus sit, cum terruncium nego sumptus factum.*

⁵² ad Att. 5.10.2 (n. 50); in Verr. 2.1.64 (p. 80, n. 14).

⁵³ P. 77, n. 8.

of authority was tantamount to a command that could hardly be evaded. Complaint against impositions of this sort involved too much risk. Naturally it was from well-to-do provincials that such hospitality was sought. In the provinces the possession of wealth was fraught with so much danger that it would seem preferable to the victim to endure vexation and loss rather than imperil the safety of all his property and of life as well by registering a complaint. We have already referred to one instance where remonstrance was made under particularly aggravated circumstances,⁵⁴ yet without avail.⁵⁵ In some cases of course hospitality would be offered in good faith,⁵⁶ though, we may suspect, not without an eye to subsequent personal advantage. But the dangers involved in its acceptance were perfectly patent, and a conscientious official would avoid placing himself under any obligation.⁵⁷

It will not be out of place to include in this section the practice of provincial governors in bestowing part at least of the privileges of the *legatio libera* on their friends. Some provision must have been made for the granting of *ius evectionis* to duly accredited messengers traveling on business of state. But the wholesale extension of the privilege to the personal friends of the governor was a perfectly natural development in a system where no opportunity, however small, of turning the public service to private gain was overlooked. The practice was so common in the elder Cato's day that he was convinced that any boasting on his part that he had avoided it would not receive a hearing: *numquam ego evectionem dataui, quo amici mei per symbolos pecunias magnas caperent. . . . numquam . . . amicos . . . malo publico diuites feci*.⁵⁸ And apparently it had not become any less frequent as time went on. It too fell under Caesar's ban, and was expressly prohibited by the same Julian law. This prohibition was not always effective for we find Cicero charging Piso with issuing such

⁵⁴ P. 80, n. 14.

⁵⁵ It should be noted also that when Philodamus found his protest useless, he exerted himself to the utmost for the entertainment of the guest who had been forced upon him: *noluit videri ipsum illum Rubrium invitum domum suam recepisse; magnifice et ornate . . . convivium comparat* (in Verr. 2.1.65).

⁵⁶ This is implied in Plut. Cato Min. 12 (p. 79). Cato availed himself of public hospitality only as a last resort.

⁵⁷ Cicero was very careful in this respect on his way to Cilicia, (p. 87, n. 47; 88, n. 51). Cf. also Cicero's remarks on Pompey's refusal to allow any one to incur expense for his troops, (p. 12, n. 57).

⁵⁸ Cato, Frag. (Jordan, p. 37).

diplomata to all and sundry in defiance of it.⁵⁹ But though the sums that were collected in this way seemed large to Cato's frugal mind, it is altogether probable that, widespread as the abuse was and vexatious as it must have been to the provincials to provide hospitality and facilities of travel for so many, its exactions could never have reached sufficient proportions in individual cases to warrant its citation as a major abuse. Lacking the name and retinue of an ambassador the recipient of such a rescript would have to content himself with the petty profits that the narrow terms of the Julian law permitted.

B. EMBASSIES AND COMMISSIONS FROM ROME

6

The embassies and commissions which were sent out by the government to the provinces enjoyed peculiar privileges and afforded correspondingly great opportunities for combining public service with personal profit. Little need be added here to what has been already pointed out⁶⁰ regarding the dignity and inviolability of the Roman *legatus*. He represented in his own person all the greatness, all the power, all the majesty of Rome.⁶¹ The republic, careless in so many features of administration, jealously maintained this sacrosanct character of her envoys and guarded them not merely from overt acts of aggression but even from any suggestion of indignity or discourtesy.⁶² To question the authority of a *legatus* would be a perilous undertaking;⁶³ rejection of his suggestions or disobedience to his commands would be almost certain to provoke dire vengeance, whether the suggestions and commands were connected with the purpose of his mission or not. Such conditions created a situation that manifestly admitted abuses and opened the way to invasion of the rights of the provincials in respect of person and property. But

⁵⁹ Cic. in Pis. 90: *Mitto diplomata passim data*. Several other things Cicero omits, and concludes, *quorum nihil est quod non sit lege Iulia ne fieri liceat sanctum diligenter*.

⁶⁰ P. 77, n. 8; p. 88.

⁶¹ Cf. what Cicero says of C. Popilius, sent as ambassador to King Antiochus: *senatus enim faciem secum attulerat auctoritatemque populi Romani* (Phil. 8.23).

⁶² Cic. de imp. Cn. Pomp. 11: *Legati quod erant appellati superbius, Corinthum patres vestri, totius Graeciae lumen, extinctum esse voluerunt*. Cf. in Verr. 2.1.79.

⁶³ Cf. the story of the escape of Pomponius (p. 79, n. 12). No doubt the facility with which he carried through his daring enterprise was due mainly to the prevailing impression that he was an ambassador: *οἷα στρατηγὸν ὑπὸ τῶν τριῶν ἀνδρῶν ἐπὶ σπονδᾶς ἐς Πομπηϊὸν ἀπεσταλμένον*.

when individual ambassadors or commissions were invested with extraordinary powers, as was not infrequently the case, security of life and possessions depended, for the time being at least, on the goodwill of those who held these extraordinary powers. One of Cicero's main assaults on the agrarian law of Rullus was directed against the granting of unlimited authority to the commissioners. He pointed out clearly the danger that it involved for the subject peoples: *Est in imperio terror; patientur. Est in adventu sumptus; ferent. Imperabitur aliquid muneris; non recusabunt.* If there were added the right to decide what property belonged to the state and what did not, a terrible weapon of extortion would be placed in the hands of the decemvirs. The very possession of such power, he argued, would inevitably bring about the corruption of the commissioners: *Illud vero quantum est, Quirites, cum is Xvir qui aliquam in urbem aut exspectatus ut hospes aut repente ut dominus venerit illum ipsum locum quo venerit, illam ipsam sedem hospitalem in quam erit deductus publicam populi Romani esse dicet! At quanta calamitas populi, si dixerit, quantus ipsi quaestus, si negarit!* The granting of it would be tantamount to giving authority to rob, plunder and oppress the allies: *simile vero est multa committi et condonari omnia, labori et negotio praeponi an praedae et quaestui, mitti ad socios liberandos an ad opprimendos!*⁶⁴

But the ambassador did not require extraordinary powers to make his embassy profitable to himself. Dionysius of Halicarnassus puts into the mouth of Fabricius the statement that it was the practice of Rome to send out ambassadors richly and splendidly equipped with all things needful.⁶⁵ There is no ground for believing that with the growth in wealth and magnificence that marked Rome's development in the succeeding century and a half the later practice was any less liberal than it had been in the earlier period when a conscious effort was made by the republic to impress foreigners with her power through the magnificence and state in which her envoys travelled.⁶⁶ Indeed instances of niggardly treatment in this regard are noted. Clodius, who had Cato appointed to the unwelcome task of dispossessing Ptolemy of Cyprus, cut down his equipment in the

⁶⁴ Cic. de leg. ag. 2. 45 f.

⁶⁵ 19.15.

⁶⁶ Livy, 29.11.4. Cicero's language (in Verr. 2.5.83) suggests that most generous treatment was accorded ambassadors in this respect in his time. *si te impediēbat ista conviviorum mulierumque occupatio, ubi quaestores, ubi legati, ubi*

most absurd fashion, giving him neither ship, nor soldiers, nor attendants, nothing in fact save two clerks, one of whom was a thief and a rascal, the other a client of Clodius himself.⁶⁷

7

In addition to this equipment the ambassador was allowed a certain sum for his expenses. It has been suggested⁶⁸ that in view of the equipment provided and the grant of *ius evectiois* this sum did not need to be a large one. There is no evidence bearing directly on this point, but it is quite clear that these grants did vary, and that there was room for considerable manipulation in fixing the amount. Tiberius Gracchus had his daily allowance as land-commissioner cut to nine obols.⁶⁹ The *legatus* of C. Cassius had his *viaticum* cancelled altogether.⁷⁰ While the action in both these instances was due to political rancour, the fact is established that the amount depended entirely on the goodwill of the senate, and that latitude was thus afforded for making an embassy a profitable or unprofitable one for the ambassador. It is only reasonable to suppose that under ordinary circumstances the *viaticum* was on as generous a scale as the rest of the ambassador's equipment. It should be noted also that the amount voted was in the form of a daily allowance. If the allowance was of ample proportions, and if, as seems probable, no time-limit⁷¹ was placed on embassies, the envoy had every opportunity to run up a large bill against the treasury for expenses, while at the same time he could cut down his actual expenditure by receiving or demanding hospitality from the cities he visited⁷² or by the acceptance of entertainment from guest-friends by the way,⁷³ and so add very substantially to his own purse. Vatinius certainly did not shorten his expense

ternis denariis aestimatum frumentum, ubi muli, ubi tabernacula, ubi tot tantaque ornamenta magistratibus et legatis a senatu populoque Romano permissa et data . . ?

⁶⁷ Plut. Cato Min. 34.

⁶⁸ Thurm (*op. cit.* p. 87).

⁶⁹ Plut. Tib. Gracc. 13.

⁷⁰ Cic. ad Fam. 12.3.2: *Cetera cuius modi sint ex hoc iudica, quod legato tuo viaticum eripuerunt. Quid eos interpretari putas, cum hoc faciunt?*

⁷¹ The only time-limits mentioned in connection with embassies from Rome are those imposed by the Tullian and Julian laws on the *legatio libera* (p. 86).

⁷² The sordid methods in vogue in this connection have been already discussed (p. 88).

⁷³ P. 88. When Sulpicius was on his way to Antony as ambassador of the senate private hospitality was pressed upon him: *aderat et hospitum invitatio liberalis pro dignitate summi viri* (Cic., Phil. 9.6). The last phrase does not make

account by the circuitous itinerary he chose for his journey to Spain. Instead of taking the regular land or sea route, he crossed to Sardinia, thence to Africa, and after a tour of the northern kingdoms crossed over to Spain by way of the straits.⁷⁴

8

These however were at best but petty gains. It was to the embassy itself that the ambassador looked to furnish the most substantial profits. Naturally embassies did not all hold out equal promise of reward. Some were purely formal missions to convey greetings or congratulations. These were, as Cicero describes one of them, 'without pickings, mere jobs for a messenger boy:' *haec ieiuna tabellari legatio*.⁷⁵ But commissioners who went out to deal on the government's behalf with issues of importance such as the organization of provinces, the settlement of quarrels on the frontiers or the establishment of kingdoms, had greater opportunities by which they did not fail to profit. Just at the time that this 'jejune' mission to Tigranes was offered to Clodius another embassy was in contemplation. The triumvirs needed some one to go to Egypt to deal with the affairs of Ptolemy Auletes. This was a 'good fat job,' *illa opima ad exigendas pecunias*, as Cicero enthusiastically describes it.⁷⁶ The

this a unique case at all; no Roman senator lacked *dignitas* in Cicero's eyes. We may be sure invitations of the sort were the rule rather than the exception. In any case public as well as private hospitality was considered the due of every Roman senator wherever he went (in Verr. 2.4.25).

⁷⁴ Cic. in Vat. 12: *post quaesturam exierisne legatus in ulteriorem Hispaniam C. Cosconio pro consule? Cum illud iter Hispaniense pedibus fere confici soleat, aut si qui navigare velit, certa sit ratio navigandi, venerisne in Sardiniam atque inde in Africam? fuerisne, quod sine senatus consulto tibi facere non licuit, in regno Hiempsalis, fuerisne in regno Mastanesosi, venerisne ad fretum per Mauretaniam? quem scias umquam legatum Hispaniensem istis itineribus in illam provinciam pervenisse?* If his behavior en route corresponded at all to his conduct after his arrival in Spain one may surmise that the money he made by thus prolonging his journey was the least part of his gains. Cicero intimates that he grasped every opportunity for enriching himself.

⁷⁵ ad Att. 2.7.3.

⁷⁶ It is only fair to say that Cicero's apparent enthusiasm was not prompted by covetousness. There was a rumor that this embassy would be offered to himself. It would have been a tempting offer, but its one appeal to Cicero lay in the chance it would afford him to visit Alexandria and become acquainted with Egypt at first hand. But he realized that only one interpretation would be placed upon his acceptance, namely that he had been bribed by it to forswear his republican allegiance: *quid enim nostri optimates . . . loquentur? an me aliquo praemio*

subsequent history of the Piper is sufficient proof that Cicero's estimate of this embassy was perfectly correct.⁷⁷

Another embassy of the same kind was that headed by M'. Aquilius which was sent out to restore Nicomedes of Bithynia to his throne. Nicomedes had to pay through the nose for his kingdom. The Roman generals who had fought his battles had claimed substantial rewards; the ambassadors from the senate who came to confirm his title had demanded their fee, not a small one either,⁷⁸ while the Roman usurers who followed in the army's train were urgent with him to repay the loans, with which he had, no doubt, settled part of his obligations to the generals and ambassadors.⁷⁹

This levy of Manius on Nicomedes was only one of many similar dealings, as Sulla later acknowledged: ὁ τε Μάνιος καὶ τὰ ἄλλα ἡλέγχθη παρ' ἡμῖν ἐπὶ χρήμασι πράξας· καὶ πάντα ἀνέλυσεν ἡ βουλὴ.⁸⁰ Mithridates made the specific charge that in restoring Cappadocia to Ariobarzanes and in wresting Phrygia from himself the Roman envoys had taken money from both sides, and that avarice was the outstanding characteristic of the majority of the Romans: τάδε, ἔφη, πάντα ἔπραξαν ἐπὶ χρήμασι, παραλλάξ παρ' ἐμοῦ τε καὶ παρ' ἐκείνων λαμβάνοντες. ὁ γὰρ δὴ μάλιστ' ἂν τις ὑμῶν, ὦ Ῥωμαῖοι, τοῖς πλείοσιν ἐπικαλέσειεν, ἔστιν ἡ φιλοκερδία.⁸¹ The charge was indubitably a just one against the

de sententia esse deductum? Even though he professed to leave the matter open till the offer should be made in definite form—*qua re si quid Θεοφάνης tecum forte contulerit ne omnino repudiaris*—his mind was made up. The one bait that might have caught him, he acknowledged in the next breath, was the offer of the augurate (ad Att. 2.5.1 f.). His enthusiasm was due therefore to the pardonable, if somewhat malicious, satisfaction in the thought of the great disappointment it would be to Clodius to lose this 'fat job' (*illa opima ad exigendas pecunias*: ad Att. 2.7.3) that had been dangled before his eyes: *Hercule verum ut loquamur, subcontumeliose tractatur noster Publius, primum qui, cum domi Caesaris quondam unus vir fuerit, nunc ne in viginti quidem esse potuerit; alia legatio dicta erat, alia data est*. Clodius' disappointment in fact was so keen that Cicero hoped it would lead to a breach between him and the triumvirate (ad Att. 2.7.2 f.).

⁷⁷ Pp. 23-31.

⁷⁸ App. Mith. 11.

⁷⁹ This pressure exerted by his creditors was intended rather to coerce him into carrying out the policy that the ambassadors proposed to him—of making unprovoked assaults on Mithridates—than to force repayment. A close study of such situations would throw much light on the political influence exerted by capitalists in the provinces.

⁸⁰ App., Mith. 57.

⁸¹ Ibid., 56.

magistrates and officials with whom he had had dealings. Where interests so enormous were involved, as in the settlement of kingdoms, the temptation to curry favor with the commission whose fiat or report would settle the matter at issue was one too strong to be resisted. Moreover a long series of corrupt transactions had established the tradition that practically every Roman ambassador had his price: *paucis carior fides quam pecunia fuit*.⁸² The virtuous days of Fabricius had gone. A new type of envoy had arisen of whom the reverend M. Aemilius Scaurus and L. Opimius may be cited as illustrious examples.⁸³ But it may be doubted if any Roman ambassador ever learned the principles of corruption more thoroughly or practised them more diligently than this M'. Aquilius. His rapacity, his duplicity, his utter infidelity so exasperated the fiery temper of Mithridates that when the fortunes of war threw him into his hands he wreaked his vengeance upon him in a manner that must have appealed to his savage mind as singularly appropriate.⁸⁴ It may have suited Cicero's dramatic purposes to dilate upon the awfulness of this vengeance,⁸⁵ yet if we remember, as Mithridates did, the untold woes that Aquilius' double-edged rapacity had brought upon that monarch and his people, we shall feel that the ambassador's fate was one which might arouse horror but certainly not surprise or pity.

9

Corruption in these instances was manifest, so manifest indeed in this latter case that it led to the abrogation of the ambassador's *acta* by the senate.⁸⁶ But it was possible to manage the business with greater tact and avoid unpleasant notoriety. I have suggested

⁸² Sall., Jug. 16.

⁸³ Sall., Jug. 40: *Interim Romae . . . tribunus plebis rogationem ad populum promulgat, uti quaereretur in eos, quorum consilio Iugurtha senati decreta neglegisset, quique ab eo in legationibus aut imperiis pecunias accepissent, qui elephantos quique perfugas tradidissent, item qui de pace aut bello cum hostibus pactiones fecissent*. Schol. Bob. ad Cic. pro Sest. 140: *Et Sallustius auctor est in bello Iugurthino L. Opimium Mamiliam lege damnatum, quod videretur in ea legatione quam cum ceteris functus est apud Iugurtham, pecunia esse corruptus*.

⁸⁴ App., Mith. 21: *μετ' οὐ πολλὸν δὲ καὶ Μάνιον Ἀκύλιον, τὸν τῆσδε τῆς πρεσβείας καὶ τοῦδε τοῦ πολέμου μάλιστα αἴτιον, ἐλὼν, δεδεμένον ἐπὶ ὄνου περιήγετο, κηρύσσοντα τοῖς δρωσὶν ὅτι Μάνιος εἶη. μέχρι ἐν Περγάμῳ τοῦ στόματος αὐτοῦ κατεχώνευσε χρυσίον, δωροδοκίαν ἄρα Ῥωμαῖοις ὀνειδίζων*.

⁸⁵ Cic. de imp. Cn. Pomp. 11: *legatum populi Romani consularem vinculis ac verberibus atque omni supplicio excruciatum necavit*.

⁸⁶ P. 94.

elsewhere⁸⁷ the possibility that the debts of some of the client princes might represent not actual loans made to them but rather notes given in return for services, real or promised, in their behalf. The suggestion, naturally, does not admit of proof; but if one considers the readiness of the kings to bribe and the venality of the Roman officials the hypothesis becomes a very plausible one. But whether the ambassadors took a reward in cash and negotiable securities or not, it is certain that it was customary to offer them gifts of rare value. These were due, no doubt, originally to the instinct of hospitality and courtesy. But between foes there was no room for such generosity, as the moral sense of the earlier period, which acted less from speculation than from conviction, recognized.⁸⁸

An example of old-fashioned incorruptibility is furnished by Appius Claudius. Sent by Lucullus on a mission to Tigranes he was offered splendid gifts which he refused. Tigranes, it would seem, jumped at once to the conclusion that he had not bidden high enough for the favor of the envoy, for he added other and greater gifts. Then Appius, not wishing to accept but at the same time anxious not to appear to reject this bounty because of enmity, took one cup only and refusing the rest of the gifts rode back to his commander: *ἔπεμψε δὲ δῶρα τῷ Ἀππίῳ λαμπρά, καὶ μὴ λαβόντος, ἄλλα πλείω προσέθηκεν. ἐκ τούτων ὁ Ἀππίος οὐκ ἐθέλων δοκεῖν ἔχθρα τινὶ διωθεῖσθαι φιάλην δεξάμενος μίαν ἀπέπεμψε τὰ λοιπὰ καὶ διὰ ταχέων ἀπήλαυσε πρὸς τὸν αὐτοκράτορα* (Plut. Lucull. 21). There is something quite striking in Tigranes' conduct. It had never dawned upon his mind that a Roman envoy would reject his bounty, and he hastened to repair what he regarded as his own blunder in offering him too little. There is something equally striking in the conduct of Appius. Neither he himself nor his chief Lucullus was at all scrupulous in such matters. The explanation must lie in the situation itself. Relations between Rome and Tigranes at this time were strained to the breaking point, and

⁸⁷ P. 70.

⁸⁸ Fabricius' fine sense of honor rejected the proffered gifts of Pyrrhus with scorn (Zonar. 8.4). The conduct of the envoys to Ptolemy Philadelphus in 273 B.C. was not less downright but was more dexterously planned and better recompensed. They paraded their virtue by depositing in the treasury the gifts they had received even before making a report of their mission to the senate. They, too, had their reward. The senate was too profoundly affected by their public spirit to permit them to make this sacrifice, and ordered the gifts to be distributed among them as a reward for themselves and an honor for their posterity; the people acquiesced in the senate's generosity (Val. Max. 4.3.9).

Lucullus must have felt that he dared not compromise the government by any trafficking with one who was likely so soon to be an enemy.

It was only natural that the *lex Iulia repetundarum* should include among its many provisions for safeguarding the allies from extortion a prohibition against an ambassador or any member of his staff receiving any money in the discharge of his duty. The very fact that embassies are specifically mentioned shows that this particular form of corruption was recognized as prevalent.⁸⁹

10

It is obvious that an ambassador like any other official could use the authority of his position to oppress the provincials in his private business relations with them. So true was this of Verres, for instance, that Cicero sarcastically described him as a 'dealer in statuary and paintings, sent out with the name of ambassador and at the public expense to Achaia, Asia and Pamphylia': *solet haec quae rapuit et furatus est non numquam dicere se emissee, quoniam quidem in Achaia, Asiam, Pamphyliam sumptu publico et legationis nomine mercator signorum tabularumque pictarum missus est*.⁹⁰ When of the two parties to these transactions one had every resource of power and authority while the other had none, there could be no fair barter and sale; it could not but become robbery and theft. It was on this embassy that Verres learned the lessons that he was later to put to such extensive use in his administration of Sicily.

An appointment as *legatus*, therefore, carried with it ample opportunities for corrupt gains. The ambassador might condescend to sordid embezzlement of his *viaticum* by receiving enforced or voluntary hospitality; he might be entrusted with a mission affecting interests so vital that attempts at corruption were inevitable, the bribe being proportioned to the magnitude of the issues involved, and, on occasion, offered by both parties to the dispute that he was sent to compose, and accepted; lavish gifts were bestowed upon him, not wholly without consideration of their influence upon his decision; and last, but by no means least, the inviolability of his person and the majesty of his title and office gave him such exalted prestige that

⁸⁹ Marcianus' account of this law (Dig. 48.11.1) is as follows: *pertinet ad eas pecunias quas quis in magistratu potestate curatione legatione vel quo alio officio munere ministeriove publico cepit, vel cum ex cohorte cuius eorum est.*

⁹⁰ in Verr. 2.1.60.

in any personal dealings with individuals or communities in the provinces he had every opportunity for extortion and rapine.

C: EMBASSIES TO ROME

11

The administration of the Roman world centred in the senate. The remarkable expansion of Roman power and the growing complexity of the functions of government impaired the initiative of the popular assembly and threw into the hands of the senate, as the one permanent and experienced administrative body, the task of developing the policy and guiding the destiny of the growing empire. The vigor, resolution and patriotism that marked the government of the senate in the period of expansion, the skill and energy which it applied to the initial stages of consolidation led to a general acquiescence on the part of the people in its assumption of practically the entire duty of government. The authority of the senate rested on no constitutional basis, but its rule was the only practical solution of the problem of imperial administration. In the very nature of things the popular assembly was unfitted to cope with sudden emergencies or to initiate and carry through a foreign policy which should exhibit continuity of purpose and provide security for Italy and the empire. The rule of the senate, it is true, broke down finally in all these particulars; but the strength and resourcefulness that it had developed in the period of conquest persisted with remarkable vitality, and only succumbed at last to the inertia of a rigid conservatism and to the corrupting influences of power.

The senate, then, exercised complete control over the Roman world. One of the fundamental defects in its government was the temporary absolutism of the magistrates to whom it delegated administration in the provinces and on the frontiers, and the consequent lack of continuity of policy. Yet the senate remained to the end of the republic the supreme and final authority; it was to it that foreign potentates, client princes, provinces and municipalities appealed for justice, relief, or favor.

In the lack of a consular system these requests could be brought to the senate's notice most effectively by means of embassies. These embassies came to play a great part not merely in determining large questions of policy but also in modifying the conditions of life in the provinces. They were not permanent embassies: they were

appointed to lay particular proposals before the senate, and, their business done, they returned home. It had been the custom in earlier times for embassies to present themselves as soon as possible after the entry of the new consuls upon their office;⁹¹ this practice continued, and was formally settled by the Pupian law⁹² and re-enacted in the Gabinian law of 67 B.C., which ordained that the reception of foreign ambassadors should take precedence over all other business in the senate throughout the month of February.⁹³ But the senate still reserved to itself the right to defer entirely the consideration of such business if it so desired.⁹⁴

12

To the consuls fell the duty of arranging the order and manner in which the various embassies should be brought before the senate. Their discretion was purely arbitrary.⁹⁵ With the immense amount of business in the senate, it was a matter of the utmost importance for an embassy to secure a hearing as early as possible in February: there was much greater probability then of receiving patient consideration than at the far end of the month, and the risk of postponement

⁹¹ Mommsen, *St. R.* iii., 1155.

⁹² *N.* 94.

⁹³ *Cic. ad Quint. frat.* 2.11.3 (p. 60, n. 44). Mommsen (*St. R.* iii., 1156) regards this law as a protest against the postponement of this foreign business by the consuls and the intrigue and bribery connected therewith.

⁹⁴ *Cic. ad Fam.* 1.4.1: *Senatus haberi ante K. Februarias per legem Pupiam, id quod scis, non potest, neque mense Febr. toto nisi perfectis aut reiectis legationibus.* Orelli interprets pro *Planc.* 33 in the same way: *ita intelligendum est ut Senatus decernere alia de re nihil posset, nisi postquam legationum aut absolvisset negotium, aut totum distulisset;* he cites as examples *Cic. ad Att.* 1.14.5; 1.18.7.

The two sons of King Antiochus, who laid claim to the throne of Egypt, were put off for two years, pressure of public business being given as the excuse. But they must have had some grounds of hope or they would hardly have lobbied in Rome for almost two years. Ptolemy Auletes, whose claim they disputed, was just as active on the other side and in all probability the failure of the senate to take up their case was due to his financial persuasion. If so, it must have been a very profitable biennium for some influential senators, who managed to feed one side or the other or possibly both with vain hopes: *iam iamque tenet* (cf. pp. 24, 27).

⁹⁵ Cicero portrays the Milesian envoys waiting at Rome for the month of February and for the announcement who should be consuls in that year. There was every expectation that Metellus and Hortensius would be elected, as indeed they were. Both were pronounced partisans of Verres, and if the Milesian embassy's petition was to receive a fair, not to say favorable, hearing, it behooved the envoys to keep on good terms with these candidates. Yet in spite of the

was correspondingly less.⁹⁵ Besides, it was no small advantage to have the opportunity of introducing a petition and presenting it in the most favorable light, so forestalling attacks or objections from the other side.⁹⁷ Further, the consuls in bringing the petition of an embassy before the House could make or mar its chance of a kindly reception by the manner in which the business was introduced.⁹⁸ In short, the consuls combined the functions and authority of the Speaker of the House with those of a 'steering committee.' Neither the ambassadors nor the consuls were slow to appreciate these points, and the door was opened at once to corrupt negotiations. Naturally these negotiations would be conducted with an eye to secrecy, but it early became matter of public knowledge that the consuls were in a position to derive considerable income from this source. The biting retort of the auctioneer Granius to the consul Nasica's patronizing question shows in its very audacity the complete recognition of this fact: 'Are you sad because the auctions have been postponed?' 'No, but because the embassies have been postponed.' Cicero does not record that Nasica, though he enjoyed the reputation of being the greatest wit of his time,⁹⁹ had any answer to make to this home-thrust. Silence was the safest eloquence.¹⁰⁰

13

But the consuls were not the only ones to profit by the eager desire of the ambassadors to get a favorable hearing. It was not enough that an embassy should receive an early and not unfriendly introduction. It must also secure sufficient support, particularly among the consulars and praetorians, to ensure the success of its petition.

temptation to be silent in the interests of their petition, they could not help blurting out the truth about Verres' rapacious and treasonable conduct at Miletus. Nothing could better illustrate the relation of the consuls' favor to the success of embassies than the few swift strokes with which Cicero paints this picture (in Verr. 2.1.90; cf. p. 48, n. 98).

⁹⁶ Schol. Bob. (ad pro Planc. 33): *Nam legationes ab externis populis missae ad senatum solebant ordinari pro voluntate consulum. Quas plerumque gratia, nonnumquam et accepta pecunia consules ordinabant, ut introduci ad senatum possent.*

⁹⁷ Cf. App., Mith. 6: ὁ δὲ Ῥωμαίων στρατηγὸς ἐν ἡσσει οὔτε αὐτίκα ἐπήγεν ἐπὶ τὴν βουλὴν τοὺς τοῦ Προυσίου πρέσβεις, χαρίζομενος Ἀττάλῳ.

⁹⁸ Ps-Asc. 184 (ad Cic. in Verr. 2.1.90): . . . cum . . . in manu sit consulum quando et quemadmodum referant ad senatum.

⁹⁹ Cic. Brut. 128.

¹⁰⁰ Cic. pro Planc. 33.

Efforts were directed chiefly toward winning the active support of the leading debaters, who might be induced also to champion the cause before the popular assembly. Such support went naturally to the highest bidder. "Those who argue against this proposal," said Gaius Gracchus to the comitia, "are looking for money from Nico-medes; those who champion it are in the pay of Mithridates. Those who say nothing either way are the shrewdest of all, for they win a reputation for honesty while at the same time they receive rewards from both sides for their silence."¹⁰¹ The situation which Gracchus thus portrayed remained unchanged, save for the worse, down to the end of the republic. While, naturally enough, we hear more frequently of the dealings of foreign envoys with magistrates,¹⁰² there are indications that the support of private members of the senate both in the House and out of it was still coveted and purchased. "When," Cicero asks with biting sarcasm, "when will an exquisite idler like Verres ever favor the senate with his presence save in February?" *quando autem homo tantae luxuriae atque desidiaei nisi Februario mense aspirabit in curiam?*¹⁰³ Lange¹⁰⁴ thinks that one of the objects aimed at in the Gabinian law was to lessen the opportunity for such bribery by shortening the stay of the embassies in the capital. Buettner-Wobst¹⁰⁵ holds the opinion that the law ordained that an embassy should be introduced into the senate immediately after its arrival in Rome. But no proof is adduced of this assumption, and practical difficulties in the way of carrying out such an ordinance readily suggest themselves. It could hardly be expected, for instance, that each successive embassy would appear precisely at the time when the senate had disposed of its predecessor and was free to take up a new question. Moreover it is quite clear that even if some such scheme had been practicable it would not have removed, nor indeed have lessened to any appreciable extent, the danger of corruption in the

¹⁰¹ Aul. Gell. 11.10.

¹⁰² Thus the Byzantine exiles bribed P. Clodius to procure an order for their restoration. It will be remembered that they did not redeem their promises and that Clodius experienced considerable difficulty in collecting his fee 'for professional services' (p. 73). Clodius had other business of this sort with various provinces, with Deiotarus and Brogitarus (p. 72), and even with private individuals like P. Tullius Syrus (Cic. de har. resp. 1. This was when Clodius was aedile.) and Hermarchus of Chios (Cic. de har. resp. 34).

¹⁰³ in Verr. 2.2.76.

¹⁰⁴ R. A. iii., p. 203.

¹⁰⁵ *op. cit.*, p. 45.

senate. For it was customary for princes and provinces to be represented in Rome by influential men. The relations which Cicero maintained with Sicily and with Deiotarus furnish good examples.¹⁰⁶ Not everyone, it is true, was privileged to have so powerful and eloquent a *patronus*. Atticus, who was only a private citizen, championed the cause of Massilia and labored to restore what it had lost through opposition to Caesar in the civil war.¹⁰⁷ Dio, the ambassador from Alexandria, made his home with Lucceius.¹⁰⁸ Sestius turned *parochus* so soon as Ariarathes came to town.¹⁰⁹ Deiotarus had other guest-friends at Rome besides Cicero who watched over his interests and advised his ambassadors when they were in the capital.¹¹⁰ It is quite evident then that in these *patroni* the provinces and princes possessed what was tantamount to a *chargé d'affaires*. Such a representative would be in even a better position than a formal embassy to influence the votes of senators, for he could manage the business with greater adroitness and more secrecy; in particular he could make whatever financial arrangements were necessary in cases where the sudden raising of a bribery-fund seemed essential to success.

The circle of corruption extended more widely still. Whether the charge is true or not that Clodia gave money to Caelius with which to bribe the slaves of Lucceius to murder Dio of Alexandria, their master's guest, the story illustrates not merely how far a petitioner would go in intimidation, or even in crime, to accomplish his purpose,¹¹¹ but as well the enlargement of the agencies of corruption, when it could be alleged, without any apprehension of inherent improbability in the setting of the accusation, that a woman was employed as bribery-agent in an affair of this kind. If the charge was true, it is still doubtful whether Clodia's intervention should be ascribed to a desire to co-operate with her brother or whether the Egyptian king had bribed her directly to support his cause. If he made the attempt he could at least quote the precedent of Cineas.

¹⁰⁶ Cic. Phil. 2.95: *semper enim absenti adfui Deiotaro*.

¹⁰⁷ Cic. ad Att. 14.14.6. It is not suggested in this connection that Atticus had any corrupt motive for his action. His anti-Caesarian sympathies would explain his friendliness toward Massilia.

¹⁰⁸ Cic. pro Cael. 51.

¹⁰⁹ P. 66, n. 82.

¹¹⁰ Cic. Phil. 2.95.

¹¹¹ Cic. pro Cael. 51-55. Cf. de har. resp. 34. Theodosius an ambassador from Chios has been stabbed to death in Rome. Cicero suggests that Clodius, whom he charges with having been corrupted by Hermarchus, knows more than he will tell about the assassination.

From the very beginning ambassadors came to Rome laden not only with the public gifts which the conventions of the time regarded as an exchange of diplomatic courtesies,¹¹² but with the means of corruption also. Pyrrhus' ambassador, Cineas, had been very crafty, for besides gold in plenty to tempt the men he brought with him a rich assortment of women's attire, and, if we may trust Plutarch, presents for the children as well.¹¹³ But the women proved as upright and patriotic as their husbands; none of them took the gauds. So too in 158 B.C. when Charops thought to bribe the senate into ratifying his lawless conduct he found the doors of the senators' houses closed against him.¹¹⁴ But the speech of C. Gracchus shows how rapidly the honor of the foremost citizens disintegrated.¹¹⁵ The development of this form of corruption reveals itself markedly in the willingness of the ambassadors to borrow money at extravagant rates in order to place it at once where it would be most effective: *ut haberent legati unde praesentia munera darent*.¹¹⁶ This practice had become so common that the provinces were being exhausted by the huge interest charges on such loans while it was notorious that these questionable transactions netted the Roman capitalists enormous profits. In one particular case, it is true, the senate itself interfered directly; it realized that if the honor of Rome was to be retrieved after the defeat of M. Antonius by the Cretans, any attempts to bribe the senate to yield to the Cretans' importunities and forego the subjugation of the island must be forestalled. Accordingly a decree was passed forbidding any one to lend money to the Cretans.¹¹⁷ This decree was re-enacted in 70 B.C. It provided that such loans were not recoverable at law. But when in 67 B.C. the tribune of the people, C. Cornelius, tried to erect this regulation into a general enactment, the senate balked and declared the measure quite unnecessary. The principle which they had been willing to adopt under

¹¹² Buettner-Wobst, *op. cit.*, p. 39.

¹¹³ Pyrr. 18; Zonaras (8.4) suggests that he placed most of his confidence in his ability to capture the favor of the women by means of all this finery.

¹¹⁴ Polyb. 32.22.

¹¹⁵ P. 101.

¹¹⁶ P. 104, n. 118. *praesentia* combines the ideas of 'on the spot' and 'effective.' These bribes were intended to procure for the ambassadors 'a very present help' in their trouble.

¹¹⁷ Dio Cass. frag. 111.3 (Boissevain): τοῦτό τε οὖν σαφῶς εἰδότες καὶ προσυποπτεύσαντες τοὺς πρεσβείας ἐπιχειρήσειν τινάς, ὥς καὶ κωλύσοντας τὴν στρατείαν, διαφθεῖραι χρήμασιν ἐψηφίσαντο ἐν τῇ βουλῇ μηδένα αὐτοῖς μηδὲν δανείσαι.

the exceptional circumstances surrounding the Cretan case, they were quite unwilling to adopt as a general policy.¹¹⁸ C. Cornelius, they thought, was pushing things a little too far: *in eo magistratu ita se gessit ut iusto pertinacior videretur*. Gabinus, however, who was a colleague of Cornelius in the tribunate, incorporated the proposed regulation in a law which he persuaded the popular assembly to pass.¹¹⁹ But the senate made every effort to circumvent the law. Its attitude was plainly shown by its acceptance of the offer made by Brutus' friends¹²⁰ to lend the money to the Salaminians in defiance of the Gabinian law provided that they were secured by a decree of the senate: *tum iis Bruti familiares freti gratia Bruti dare volebant quaternis si sibi senatus consulto caveretur. Fit gratia Bruti senatus consultum, UT NEVE SALAMINIIS NEVE QUI EIS DEDISSET FRAUDI ESSET. pecuniam numerarunt*.¹²¹ And when it dawned upon the creditors that this decree merely screened them from punishment for the violation of the law, they experienced no difficulty in getting another decree passed making their contract with the Salaminians actionable: *at postea venit in mentem faeneratoribus nihil se iuvare illud senatus consultum quod ex syngrapha ius dici lex Gabinia vetaret. Tum fit senatus consultum UT EX EA SYNGRAPHA IUS DICERETUR, non ut alio iure ea syngrapha esset quam ceterae sed ut*

¹¹⁸ Asc. p. 57 (in Cornelianam I., argumentum): *In eo magistratu ita se gessit, ut iusto pertinacior videretur; alienatus autem a senatu ex hac causa. rettulerat ad senatum ut, quoniam exterarum nationum legatis pecunia magna daretur usura turpiaque et famosa ex eo lucra fierent, ne quis legatis exterarum nationum pecuniam expensam ferret. Cuius relationem repudiavit senatus et decrevit satis cautum videri eo S. C. quod aliquot ante annos L. Domitio C. Caelio coss. factum erat, cum senatus ante pauculos annos ex eodem illo S. C. decrevisset ne quis Cretensibus pecuniam mutuam daret. Cornelius ea re offensus senatui questus est de ea in contione: exhauriri provincias usuris; providendum, ut haberent legati unde praesentia munera darent.*

¹¹⁹ Cic. ad Att. 5.21.12: *Salaminii cum Romae versuram facere vellent, non poterant, quod lex Gabinia vetabat. Ibid. 6.2.7: . . . pecuniam Salaminii contra legem Gabiniam sumpserant. Vetabat autem Auli lex ius dici de ita sumpta pecunia.*

¹²⁰ They were really stool-pigeons for Brutus himself, as Cicero afterwards discovered to his surprise and chagrin: *Nunc cognosce de Salaminiiis, quod video tibi etiam novum accidisse tamquam mihi. numquam enim ex illo audiavi illam pecuniam esse suam; quin etiam libellum ipsius habeo, in quo est, 'Salaminii pecuniam debent M. Scaetio et P. Matinio, familiaribus meis'* (ad Att. 6.1.5). Brutus had not scrupled to deceive Cicero in the matter. In the same way Pompey was represented in certain shady transactions by Cluvius (Cic. ad Fam. 13.56.3).

¹²¹ Cic. ad Att. 5.21.12.

eodem.¹²² It should be noticed that all this was done *Bruti gratia*. Brutus was one of themselves and it was their own monetary interests that appealed to them. The history of this loan, on which Brutus was bound to collect the stipulated interest of 48% per annum, is a significant illustration of the avarice that permeated the wealthier classes of Romans in their dealings with the provincials. It was no wonder that Cornelius complained that the provinces were drained of their resources by this usury. Cicero's connection with it exhibits once more that curious moral weakness that has been commented on elsewhere in this study.¹²³ Though he recognized clearly the hideous injustice of the whole transaction, and though he had it in his power to prevent what he himself described as the ruination of the city,¹²⁴ he washed his hands of the affair and left the unhappy victims of this sordid lust for gain to their fate. One naturally wonders what boon the Salaminian embassy wished to secure from the senate that they deemed precious enough to warrant their entering into such a ruinous contract. But the grip of Roman dominion, and still more of Roman capital, was so tight upon the provinces that in their despair they were willing to clutch at any remedy however hazardous that seemed to promise immediate relief.

¹²² Ibid.

¹²³ Pp. 68, 69, 71.

¹²⁴ ad Att. 5.21.12: *cohorruī primo; etenim erat interitus civitatis*.

CONCLUSION

The turning of public office to personal profit is a feature of government by no means confined to ancient times. It is a manifestation of an elemental instinct in human nature which began at the beginning and will continue to the end. The problem how to rule the rulers and guard against the guardians is a problem which society has still to solve, and it must be admitted that as yet the attempts of democracy to solve it have met with slight success. But at least new light is being thrown upon the method of its solution. There is a growing conception of the responsibilities of office, before which rampant individualism, which is the basis of all injustice and corruption, must surely, if slowly, give way to a social conception, the idea of community.

Nevertheless if the problem has not been solved completely within the limits of national administration, we have gone far in the direction of solving it for international relationships. The principle has been definitely established for all time that imperialism must not be exploitation, and that the duty of the great powers to the backward nations of the world must be fulfilled in a social spirit with true humanity and noble generosity.

That idea had not dawned upon the ancient world. Nowhere was the social sense of a nation better developed than in the Athens of the Periclean Age. Yet Athens reserved her bitterest enmity for other Hellenic peoples and contemptuously dismissed the rest of the world as barbarian. With still greater arrogance the Roman boasted of his citizenship and calmly assumed the humble recognition of its privileges and prerogatives on the part of the rest of mankind. Never but once in the history of the world has nationalism found more turgid or bombastic expression than in Cicero's statement that the nations of Asia preferred to be the subjects of Rome rather than the rulers of other peoples.¹ But Greek imperialism ran its brief, if brilliant, course. Rome at whose nod nations trembled went down in frightful ruin. And in our own day we have seen the arrogant claims of Teutonic Kultur humbled in the very dust. The doctrine of the Superman and of the 'chosen people' has never stood the test of time and fate. Every misuse of power, every assertion of sovereignty not

¹ Cic. de imp. Cn. Pomp. 41: *nunc intelligunt non sine causa maiores suos . . . servire populo Romano quam imperare aliis maluisse.*

based on justice has gone down and must go down before that force which makes for righteousness.

It is to this arrogant temper of Roman nationalism that we must look for an explanation of the utter inhumanity and stark injustice which marked the dealings of the imperial city with her subjects. However humane an individual master might be in his treatment of his slaves Roman law scarcely recognized that the slave had any human rights whatever. The same principle was carried out in a national way. However just and humane an individual holder of the *imperium* might be in his administration, the Roman people as a whole, and the *nobiles* in particular, showed just as scant recognition of the rights of the provinces. Even while the instincts of a governor like Cicero forbade him to be guilty of cruelty and oppression he would never have admitted that the non-Roman was entitled to the same consideration and the same justice as the Roman. And when this was true of a man who, with one exception, was the most enlightened Roman of his day, it is easy to understand the shameless exactions and hideous cruelties of which the provinces were the unhappy victims. Centuries were to elapse before men came to recognize the principle that power creates responsibility rather than prerogative, and that the weak and backward nations are entitled to a common justice and a common humanity with the rest of the world.

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